

Also, petition of Anna J. Gregg, secretary Fulton Grange, No. 66, Lancaster County, Pa., indicating disapproval of the Mondell land bill; to the Committee on the Public Lands.

By Mr. McLAUGHLIN of Nebraska: Petition of numerous citizens of Ceresco, Davey, Raymond, and Valparaiso, Nebr., urging the immediate repeal of the daylight-saving law; to the Committee on Agriculture.

By Mr. O'CONNELL: Petition of J. F. Callbreath, of Washington, D. C., favoring the enactment of House bills 2929 and 5218; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions adopted by the Railway Clerks, Riverbank Lodge, No. 265, Riverbank, Calif., asking that Government ownership of railroads be continued for five years; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Polish National Alliance of the United States of North America, Chicago, Ill., protesting against the enactment of Senate bill 2099; to the Committee on Printing.

Also, resolutions adopted by the Mission Parlor No. 38, N. S. G. W., San Francisco, Calif., indorsing the Lane plan for homes for soldiers; to the Committee on the Public Lands.

Also, letter and resolutions adopted by the Hamilton S. Hawkins Auxiliary, No. 29, Department of California, Spanish War Veterans, indorsing House bill 1715 and asking that adequate pensions be allowed the veterans of the Spanish War; to the Committee on Pensions.

By Mr. ROWAN: Petition of J. F. Callbreath, of Washington, D. C., favoring the passage of House bills 2929 and 5218; to the Committee on Ways and Means.

Also, petitions of John K. Parcell and the Federal Employees' Union No. 4, of New York City, favoring the enactment of House bill 6577; to the Committee on Ways and Means.

SENATE.

FRIDAY, August 1, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek mastery over every circumstance by the mastery of ourselves, by lives that are centered in God. We seek wisdom by contemplating the problems of life, by drawing from Thee that divine wisdom and grace that makes us wise in determining the justice of all affairs of life. We pray Thee to guide us this day that we may ever have our thoughts upon Thee, Thy law, Thy will, that this Nation may be a nation whose lord is God and whose laws are written after the divine order. For Christ's sake. Amen.

On request of Mr. CURTIS and by unanimous consent the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

PROTOCOL TO TREATY OF PEACE WITH GERMANY (S. DOC. NO. 66).

The VICE PRESIDENT. The Senate having heretofore ordered that the treaty of peace with Germany be considered in open executive session, the Chair lays before the Senate the following message, and refers it, with the accompanying document, to the Committee on Foreign Relations. The message will be read.

The Secretary read the message, as follows:

To the Senate:

I have the honor to transmit to the Senate herewith, accompanied by a letter from the Secretary of State, a brief protocol to the treaty of peace with Germany. The certified copy which I transmit has just been received by the Department of State, and I am transmitting it without delay.

The protocol originated in a written interchange of views between the representatives of the allied and associated powers and the representatives of Germany, as a result of which the representatives of Germany requested that certain explanations of methods and facilities which it was proposed should be accorded the German Government in the execution of the treaty should be reduced to writing and signed by the powers signatory to the treaty, so as to form a definite and binding memorandum.

WOODROW WILSON.

THE WHITE HOUSE,
31 July, 1919.

Mr. LODGE subsequently said. I understand that the message of the President transmitting to the Senate a protocol relating to the treaty now before the Senate has been read. I move that, as in open executive session, it be printed and referred to the Committee on Foreign Relations and that the injunction of secrecy be removed from it.

The VICE PRESIDENT. The Chair has ruled that that has already been done, but the question is on the motion of the Senator from Massachusetts.

Mr. LODGE. I ought to have made the motion before.

The motion was agreed to.

SENATE OFFICE BUILDING COMMISSION.

The VICE PRESIDENT. The Senate Office Building was erected under the supervision of the Senate Office Building Commission, provided for in the sundry civil bill approved April 28, 1904. That act authorized its construction under the supervision of a commission and placed the actual construction, letting of contracts, and employment of skilled and other services under the control of the Superintendent of the United States Capitol Building and Grounds, who still is acting as such.

The building is not yet wholly completed, the delay having arisen partly from certain privileges granted the Washington Terminal Co. to pass through square 690 by means of a sub-surface railway tunnel, and it was deemed inadvisable to fully complete the building until the settlement of the earth over the tunnel and near the building had finally ceased.

The building has what one of our American humorists described as a Queen Ann front and Mary Ann rear. The wooden approach and steps on Delaware Avenue are not only unsightly but dangerous. The personnel of the commission has disappeared save the Hon. LEE S. OVERMAN, Senator from North Carolina. The Chair renews the commission by the appointment of the Hon. FRANCIS E. WARREN, Senator from Wyoming, and the Hon. PHILANDER C. KNOX, Senator from Pennsylvania, and makes the modest request that the commission take up at least the question of finishing the Delaware Avenue entrance with Mr. Elliott Woods, Superintendent of the Capitol Building and Grounds and superintendent of the construction of said building.

UNUSED LANDS FOR SOLDIERS (H. DOC. NO. 173).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior submitting evidence that soldiers, sailors, and marines in the war with Germany are interested in the plan of Congress for providing them with farms upon the unused lands of the country, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior transmitting a list of useless papers on the files of the Interior Department devoid of historic interest and requesting action looking to their disposition. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Montana [Mr. WALSH] and the Senator from Maryland [Mr. FRANCE] the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 2594. An act to extend the time for the construction of the Broadway Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; and

S. 2595. An act to extend the time for the construction of the Main Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6323. An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes;

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918; and

H. J. Res. 150. Joint resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 180. An act to incorporate Near East Relief;

S. 1361. An act further extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin

Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the waters between the mainland at or near Cedar Point and Dauphin Islands, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912, as extended by an act approved June 30, 1916; and

S. 1378. An act to authorize the Central Railroad Co. of New Jersey to construct a bridge across the navigable waters of the Newark Bay, in the State of New Jersey.

PETITIONS AND MEMORIALS.

Mr. WARREN presented telegrams in the nature of petitions from sundry citizens of Casper, Wyo., praying for the repeal of the so-called amusement tax, which were referred to the Committee on Finance.

Mr. PAGE presented a memorial of sundry citizens of Hardwick, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented petitions of Plumbers' Local Union No. 262, of Hanford; of Cooks and Waiters' Local Union No. 673, of San Bernardino; of Eola Rebekah Lodge, No. 256, of Igo; and of the Board of Supervisors of Alameda County, all in the State of California, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. MYERS presented a petition of sundry citizens of South Bend, Ind., praying for the enactment of legislation to prevent experiments upon living dogs in the District of Columbia, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of South Dakota presented a petition of sundry citizens of Flandreau, S. Dak., praying for the repeal of the tax on ice cream, soda, soft drinks, etc., which was referred to the Committee on Finance.

OCCUPATION OF THE RHINE PROVINCES.

Mr. LODGE. Mr. President, I have here a declaration by the United States of America, Great Britain, and France in regard to the occupation of the Rhine Provinces. It has been presented to Parliament and is for sale in London. It is dated the 16th of June. I dare say it has been printed in the press already, but if so it has escaped me. I am quite sure that it has not been presented to the Senate. I send it to the desk and ask that it may be read, so that it will go into the Record.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

DECLARATION BY THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, GREAT BRITAIN, AND FRANCE IN REGARD TO THE OCCUPATION OF THE RHINE PROVINCES.

Presented to Parliament by command of His Majesty.

London: Published by His Majesty's stationery office. To be purchased through any bookseller or directly from His Majesty's stationery office at the following addresses: Imperial House, Kingsway, London, W. C. 2 and 28. Abingdon Street, London, S.W. 1: 37 Peter Street, Manchester; 1 St. Andrew's Crescent, Cardiff; 23 Forth Street, Edinburgh; or from E. Ponsonby (Ltd.), 116 Grafton Street, Dublin. 1919. Price 1d. net.

DECLARATION BY THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, GREAT BRITAIN, AND FRANCE IN REGARD TO THE OCCUPATION OF THE RHINE PROVINCES.

The allied and associated powers did not insist on making the period of occupation last until the reparation clauses were completely executed, because they assumed that Germany would be obliged to give every proof of her good will and every necessary guarantee before the end of the 15 years' time.

As the cost of occupation involves an equivalent reduction of the amount available for reparations, the allied and associated powers stipulated, by article 431 of the treaty, that if before the end of the 15 years' period Germany had fulfilled all her obligations under the treaty the troops of occupation should be immediately withdrawn.

If Germany at an earlier date has given proofs of her good will and satisfactory guarantees to assure the fulfillment of her obligations, the allied and associated powers concerned will be ready to come to an agreement between themselves for the earlier termination of the period of occupation.

Now and henceforward, in order to alleviate the burden of the reparations bill, they agree that as soon as the allied and associated powers concerned are convinced that the conditions of disarmament by Germany are being satisfactorily fulfilled, the annual amount of the sums to be paid by Germany to cover the cost of occupation shall not exceed 240,000,000 marks (gold). This provision can be modified if the allied and associated powers agree as to the necessity of such modification.

(Signed)

WOODROW WILSON.
G. CLEMENCEAU.
D. LLOYD-GEORGE.

16th June, 1919.

Printed under the authority of His Majesty's stationery office by Eyre & Spottiswoode (Ltd.), East Harding Street, E. C. 4, printers to the King's most Excellent Majesty.

TREATY WITH POLAND (S. DOC. NO. 65).

Mr. LODGE. Mr. President, I also have here a treaty of peace between the United States of America and the British Empire, France, Italy, and Japan on the one part and Poland

on the other, signed at Versailles on the 28th of June. It was presented to Parliament some two weeks ago and is for sale in London. It has therefore been made public. I ask that it be printed in the RECORD and also as a document for the information of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered. The treaty is as follows:

TREATY OF PEACE BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN AND POLAND.

[Treaty Series No. 8 (1919).]

"LETTER ADDRESSED TO M. PADEREWSKI BY THE PRESIDENT OF THE CONFERENCE TRANSMITTING TO HIM THE TREATY TO BE SIGNED BY POLAND UNDER ARTICLE 93 OF THE TREATY OF PEACE WITH GERMANY.

"PARIS, June 24, 1919.

"SIR: On behalf of the Supreme Council of the Principal Allied and Associated Powers, I have the honour to communicate to you herewith in its final form the text of the Treaty which, in accordance with Article 93 of the Treaty of Peace with Germany, Poland will be asked to sign on the occasion of the confirmation of her recognition as an independent State and of the transference to her of the territories included in the former German Empire which are assigned to her by the said Treaty. The principal provisions were communicated to the Polish Delegation in Paris in May last, and were subsequently communicated direct to the Polish Government through the French Minister at Warsaw. The Council have since had the advantage of the suggestions which you were good enough to convey to them in your memorandum of the 16th June, and as the result of a study of these suggestions modifications have been introduced in the text of the Treaty. The Council believe that it will be found that by these modifications the principal points to which attention was drawn in your memorandum have, in so far as they relate to specific provisions of the Treaty, been adequately covered.

"In formally communicating to you the final decision of the Principal Allied and Associated Powers in this matter, I should desire to take this opportunity of explaining in a more formal manner than has hitherto been done the considerations by which the Principal Allied and Associated Powers have been guided in dealing with the question.

"1. In the first place, I would point out that this Treaty does not constitute any fresh departure. It has for long been the established procedure of the public law of Europe that when a State is created, or even when large accessions of territory are made to an established State, the joint and formal recognition by the Great Powers should be accompanied by the requirement that such State should, in the form of a binding international convention, undertake to comply with certain principles of government. This principle, for which there are numerous other precedents, received the most explicit sanction when, at the last great assembly of European Powers—the Congress of Berlin—the sovereignty and independence of Serbia, Montenegro, and Roumania were recognised. It is desirable to recall the words used on this occasion by the British, French, Italian, and German Plenipotentiaries, as recorded in the Protocol of the 28th June, 1878:

"Lord Salisbury recognises the independence of Serbia, but is of opinion that it would be desirable to stipulate in the Principality the great principle of religious liberty.

"Mr. Waddington believes that it is important to take advantage of this solemn opportunity to cause the principles of religious liberty to be affirmed by the representatives of Europe. His Excellency adds that Serbia, who claims to enter the European family on the same basis as other States, must previously recognise the principles which are the basis of social organisation in all States of Europe and accept them as a necessary condition of the favour which she asks for.

"Prince Bismarck, associating himself with the French proposal, declares that the assent of Germany is always assured to any motion favourable to religious liberty.

"Count de Launay says that, in the name of Italy, he desires to adhere to the principle of religious liberty, which forms one of the essential bases of the institutions in his country, and that he associates himself with the declarations made on this subject by Germany, France, and Great Britain.

"Count Andrassy expresses himself to the same effect, and the Ottoman Plenipotentiaries raise no objection.

"Prince Bismarck, after having summed up the results of the vote, declares that Germany admits the independence of Serbia, but on condition that religious liberty will be recognised in the Principality. His Serene Highness adds that the Drafting Committee, when they formulate this decision, will affirm the connection established by the Conference between the proclamation of Serbian independence and the recognition of religious liberty.

"2. The Principal Allied and Associated Powers are of opinion that they would be false to the responsibility which rests upon them if on this occasion they departed from what has become an established tradition. In this connection I must also recall to your consideration the fact that it is to the endeavours and sacrifices of the Powers in whose name I am addressing you that the Polish nation owes the recovery of its independence. It is by their decision that Polish sovereignty is being re-established

over the territories in question and that the inhabitants of these territories are being incorporated in the Polish nation. It is on the support which the resources of these Powers will afford to the League of Nations that for the future Poland will to a large extent depend for the secure possession of these territories. There rests, therefore, upon these Powers an obligation, which they cannot evade, to secure in the most permanent and solemn form guarantees for certain essential rights which will afford to the inhabitants the necessary protection whatever changes may take place in the internal constitution of the Polish State.

"It is in accordance with this obligation that Clause 93 was inserted in the Treaty of Peace with Germany. This clause relates only to Poland, but a similar clause applies the same principles to Czecho-Slovakia, and other clauses have been inserted in the Treaty of Peace with Austria and will be inserted in those with Hungary and with Bulgaria, under which similar obligations will be undertaken by other States, which under those Treaties receive large accessions of territory.

"The consideration of these facts will be sufficient to show that by the requirement addressed to Poland at the time when it receives in the most solemn manner the joint recognition of the re-establishment of its sovereignty and independence and when large accessions of territory are being assigned to it, no doubt is thrown upon the sincerity of the desire of the Polish Government and the Polish nation to maintain the general principles of justice and liberty. Any such doubt would be far from the intention of the Principal Allied and Associated Powers.

"3. It is indeed true that the new Treaty differs in form from earlier Conventions dealing with similar matters. The change of form is a necessary consequence and an essential part of the new system of international relations which is now being built up by the establishment of the League of Nations. Under the older system the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected which could be used for political purposes. Under the new system the guarantee is entrusted to the League of Nations. The clauses dealing with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories to the Treaty.

"I should desire, moreover, to point out to you that provision has been inserted in the Treaty by which disputes arising out of its provisions may be brought before the Court of the League of Nations. In this way differences which might arise will be removed from the political sphere and placed in the hands of a judicial court, and it is hoped that thereby an impartial decision will be facilitated, while at the same time any danger of political interference by the Powers in the internal affairs of Poland will be avoided.

"4. The particular provisions to which Poland and the other States will be asked to adhere differ to some extent from those which were imposed on the new States at the Congress of Berlin. But the obligations imposed upon new States seeking recognition have at all times varied with the particular circumstances. The Kingdom of the United Netherlands in 1814 formally undertook precise obligation with regard to the Belgian provinces at that time annexed to the kingdom which formed an important restriction on the unlimited exercise of its sovereignty. It was determined at the establishment of the Kingdom of Greece that the Government of that State should take a particular form, viz., it should be both monarchical and constitutional; when Thessaly was annexed to Greece, it was stipulated that the lives, property, honour, religion and customs of those of the inhabitants of the localities ceded to Greece, who remained under the Hellenic administration should be scrupulously respected, and that they should enjoy exactly the same civil and political rights as Hellenic subjects of origin. In addition, very precise stipulations were inserted safeguarding the interests of the Mohammedan population of these territories.

"The situation with which the Powers have now to deal is new, and experience has shown that new provisions are necessary. The territories now being transferred both to Poland and to other States inevitably include a large population speaking languages and belonging to races different from that of the people with whom they will be incorporated. Unfortunately, the races have been estranged by long years of bitter hostility. It is believed that these populations will be more easily reconciled to their new position if they know that from the very beginning they have assured protection and adequate guarantees against any danger of unjust treatment or oppression. The very knowledge that these guarantees exist will, it is hoped, mate-

rially help the reconciliation which all desire, and will indeed do much to prevent the necessity of its enforcement.

"5. To turn to the individual clauses of the present Treaty. Article 2 guarantees to all inhabitants those elementary rights, which are, as a matter of fact, secured in every civilised State. Clauses 3 to 6 are designed to insure that all the genuine residents in the territories now transferred to Polish sovereignty shall in fact be assured of the full privileges of citizenship. Articles 7 and 8, which are in accordance with precedent, provide against any discrimination against those Polish citizens who by their religion, their language, or their race, differ from the large mass of the Polish population. It is understood that, far from raising any objection to the matter of these articles, the Polish Government have already, of their own accord, declared their firm intention of basing their institutions on the cardinal principles enunciated therein.

"The following articles are of rather a different nature in that they provide more special privileges to certain groups of these minorities. In the final revision of these latter articles, the Powers have been impressed by the suggestions made in your memorandum of the 16th June, and the articles have in consequence been subjected to some material modifications. In the final text of the Treaty it has been made clear that the special privileges accorded in Article 9 are extended to Polish citizens of German speech only in such parts of Poland as are, by the Treaty with Germany, transferred from Germany to Poland. Germans in other parts of Poland will be unable under this article to claim to avail themselves of these privileges. They will therefore in this matter be dependent solely on the generosity of the Polish Government, and will in fact be in the same position as German citizens of Polish speech in Germany.

"6. Clauses 10 and 12 deal specifically with the Jewish citizens of Poland. The information at the disposal of the Principal Allied and Associated Powers as to the existing relations between the Jews and the other Polish citizens has led them to the conclusion that, in view of the historical development of the Jewish question and the great animosity aroused by it, special protection is necessary for the Jews in Poland. These clauses have been limited to the minimum which seems necessary under the circumstances of the present day, viz., the maintenance of Jewish schools and the protection of the Jews in the religious observance of their Sabbath. It is believed that these stipulations will not create any obstacle to the political unity of Poland. They do not constitute any recognition of the Jews as a separate political community within the Polish State. The educational provisions contain nothing beyond what is in fact provided in the educational institutions of many highly organised modern States. There is nothing inconsistent with the sovereignty of the State in recognising and supporting schools in which children shall be brought up in the religious influences to which they are accustomed in their home. Ample safeguards against any use of non-Polish languages to encourage a spirit of national separation have been provided in the express acknowledgment that the provisions of this Treaty do not prevent the Polish State from making the Polish language obligatory in all its schools and educational institutions.

"7. The economic clauses contained in Chapter II of the Treaty have been drafted with the view of facilitating the establishment of equitable commercial relations between independent Poland and the other Allied and Associated Powers. They include provisions for reciprocal diplomatic and consular representation, for freedom of transit, and for the adhesion of the Polish Government to certain international conventions.

"In these clauses the Principal Allied and Associated Powers have not been actuated by any desire to secure for themselves special commercial advantages. It will be observed that the rights accorded to them by these clauses are extended equally to all States who are members of the League of Nations. Some of the provisions are of a transitional character, and have been introduced only with the necessary object of bridging over the short interval which must elapse before general regulations can be established by Poland herself or my commercial treaties or general conventions approved by the League of Nations.

"In conclusion, I am to express to you on behalf of the Allied and Associated Powers the very sincere satisfaction which they feel at the re-establishment of Poland as an independent State. They cordially welcome the Polish nation on its re-entry into the family of nations. They recall the great services which the ancient Kingdom of Poland rendered to Europe both in public affairs and by its contributions to the progress of mankind which is the common work of all civilised nations. They believe that the voice of Poland will add to the wisdom of their common deliberations in the cause of peace and harmony, that its influence will be used to further the spirit of liberty and justice,

both in internal and external affairs, and that thereby it will help in the work of reconciliation between the nations which, with the conclusion of Peace, will be the common task of humanity.

"The treaty by which Poland solemnly declares before the world her determination to maintain the principles of justice, liberty, and toleration, which were the guiding spirit of the ancient Kingdom of Poland, and also receives in its most explicit and binding form the confirmation of her restoration to the family of independent nations, will be signed by Poland and by the Principal Allied and Associated Powers on the occasion of, and at the same time as, the signature of the Treaty of Peace with Germany.

"I have, &c.

"CLEMENCEAU."

"The United States of America, the British Empire, France, Italy and Japan, the Principal Allied and Associated Powers, on the one hand; and Poland on the other hand;

"Whereas the Allied and Associated Powers have by the success of their arms restored to the Polish nation the independence of which it had been unjustly deprived; and

"Whereas by the proclamation of March 30, 1917, the Government of Russia assented to the re-establishment of an independent Polish State; and

"Whereas the Polish State, which now in fact exercises sovereignty over those portions of the former Russian Empire which are inhabited by a majority of Poles, has already been recognized as a sovereign and independent State by the Principal Allied and Associated Powers; and

"Whereas under the Treaty of Peace concluded with Germany by the Allied and Associated Powers, a Treaty of which Poland is a signatory, certain portions of the former German Empire will be incorporated in the territory of Poland; and

"Whereas under the terms of the said Treaty of Peace, the boundaries of Poland not already laid down are to be subsequently determined by the Principal Allied and Associated Powers;

"The United States of America, the British Empire, France, Italy and Japan, on the one hand, confirming their recognition of the Polish State, constituted within the said limits as a sovereign and independent member of the Family of Nations, and being anxious to ensure the execution of the provisions of Article 93 of the said Treaty of Peace with Germany;

"Poland, on the other hand, desiring to conform her institutions to the principles of liberty and justice, and to give a sure guarantee to the inhabitants of the territory over which she has assumed sovereignty;

"For this purpose the High Contracting Parties represented as follows:

"The President of the United States of America, by:

"The Honourable Woodrow Wilson, President of the United States, acting in his own name and by his own proper authority;

"The Honourable Robert Lansing, Secretary of State;

"The Honourable Henry White, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

"The Honourable Edward M. House;

"General Tasker H. Bliss, Military Representative of the United States on the Supreme War Council;

"His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, by:

"The Right Honourable David Lloyd George, M. P., First Lord of His Treasury and Prime Minister;

"The Right Honourable Andrew Bonar Law, M. P., His Lord Privy Seal;

"The Right Honourable Viscount Milner, G.C.B., G.C.M.G., His Secretary of State for the Colonies;

"The Right Honourable Arthur James Balfour, O.M., M.P., His Secretary of State for Foreign Affairs;

"The Right Honourable George Nicoll Barnes, M.P., Minister without portfolio;

"And

"For the Dominion of Canada, by:

"The Honourable Charles Joseph Doherty, Minister of Justice;

"The Honourable Arthur Lewis Sifton, Minister of Customs;

"For the Commonwealth of Australia, by:

"The Right Honourable William Morris Hughes, Attorney General and Prime Minister;

"The Right Honourable Sir Joseph Cook, G.C.M.G., Minister for the Navy;

"For the Union of South Africa, by:

"General the Right Honourable Louis Botha, Minister of Native Affairs and Prime Minister;

"Lieutenant-General the Right Honourable Jan Christiaan Smuts, K.C., Minister of Defence;

"For the Dominion of New Zealand, by:

"The Right Honourable William Ferguson Massey, Minister of Labour and Prime Minister;

"For India, by:

"The Right Honourable Edwin Samuel Montagu, M.P., His Secretary of State for India;

"Major-General His Highness Maharaja Sir Ganga Singh Bahadur, Maharaja of Bikaner, G.C.S.I., G.C.I.E., G.C.V.O., K.C.B., A.D.C.;

"The President of the French Republic, by:

"Mr. Georges Clemenceau, President of the Council, Minister of War;

"Mr. Stéphen Pichon, Minister of Foreign Affairs;

"Mr. Louis Lucien Klotz, Minister of Finance;

"Mr. André Tardieu, Commissary General for Franco-American Military Affairs;

"Mr. Jules Cambon, Ambassador of France;

"His Majesty the King of Italy, by:

"Baron S. Sonnino, Deputy;

"Marquis G. Imperiali, Senator, Ambassador of His Majesty the King of Italy at London;

"Mr. S. Crespi, Deputy;

"His Majesty the Emperor of Japan, by:

"Marquis Saionji, formerly President of the Council of Ministers;

"Baron Makino, formerly Minister of Foreign Affairs, Member of the Diplomatic Council;

"Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;

"Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;

"Mr. H. Ijuin, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;

"The President of the Polish Republic, by:

"Mr. Ignace J. Paderewski, President of the Council of Ministers, Minister of Foreign Affairs;

"Mr. Roman Dmowski, President of the Polish National Committee;

"After having exchanged their full powers, found in good and due form, have agreed as follows:

"CHAPTER I.

"ARTICLE 1.

"Poland undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with the stipulations, nor shall any law, regulation or official action prevail over them.

"ARTICLE 2.

"Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.

"All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

"ARTICLE 3.

"Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality German, Austrian, Hungarian or Russian nationals habitually resident at the date of the coming into force of the present Treaty in territory which is or may be recognized as forming part of Poland, but subject to any provisions in the Treaties of Peace with Germany or Austria respectively relating to persons who became resident in such territory after a specified date.

"Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

"Persons who have exercised the above right to opt must, except where it is otherwise provided in the Treaty of Peace with Germany, transfer within the succeeding twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

"ARTICLE 4.

"Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

"Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

"ARTICLE 5.

"Poland undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria, Hungary or Russia, to choose whether or not they will acquire Polish nationality.

"ARTICLE 6.

"All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

"ARTICLE 7.

"All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

"Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

"No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

"Notwithstanding any establishment by the Polish Government of an official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

"ARTICLE 8.

"Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

"ARTICLE 9.

"Poland will provide in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are residents adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government from making the teaching of the Polish language obligatory in the said schools.

"In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

"The provisions of this Article shall apply to Polish citizens of German speech only in that part of Poland which was German territory on August 1, 1914.

"ARTICLE 10.

"Educational committees appointed locally by the Jewish communities of Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organisation and management of these schools.

"The provisions of Article 9 concerning the use of languages in schools shall apply to these schools.

"ARTICLE 11.

"Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This

provision however shall not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defence or the preservation of public order.

"Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be performed on a Saturday.

"ARTICLE 12.

"Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

"Poland agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

"Poland further agrees that any difference of opinion as to questions of law or fact arising out of these articles between the Polish Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

"CHAPTER II.

"ARTICLE 13.

"Each of the Principal Allied and Associated Powers on the one part and Poland on the other shall be at liberty to appoint diplomatic representatives to reside in their respective capitals, as well as Consuls-General, Consuls, Vice-Consuls, and Consular agents to reside in the towns and ports of their respective territories.

"Consuls-General, Consuls, Vice-Consuls and Consular agents, however, shall not enter upon their duties until they have been admitted in the usual manner by the Government in the territory of which they are stationed.

"Consuls-General, Consuls, Vice-Consuls and Consular agents shall enjoy all the facilities, privileges, exemptions and immunities of every kind which are or shall be granted to consular officers of the most favoured nation.

"ARTICLE 14.

"Pending the establishment of an import tariff by the Polish Government, goods originating in the Allied and Associated States shall not be subject to any higher duties on importation into Poland than the most favourable rates of duty applicable to goods of the same kind under either the German, Austro-Hungarian or Russian Customs Tariffs on July 1, 1914.

"ARTICLE 15.

"Poland undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

"Poland also undertakes to extend to all the Allied and Associated States any favours or privileges in customs matters which she may grant during the same period of five years to any State with which since August, 1914, the Allies have been at war, or to any State which may have concluded with Austria special customs arrangements as provided for in the Treaty of Peace to be concluded with Austria.

"ARTICLE 16.

"Pending the conclusion of the general agreement referred to above, Poland undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated States which accord similar treatment to Polish vessels.

"By way of exception from this provision, the right of Poland or of any other Allied or Associated State to confine her maritime coasting trade to national vessels is expressly reserved.

"ARTICLE 17.

"Pending the conclusion under the auspices of the League of Nations of a general Convention to secure and maintain freedom of communications and of transit, Poland undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated State over Polish territory, including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions, and all other matters.

"All charges imposed in Poland on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties. Tariffs for transit traffic across Poland and tariffs between Poland and any Allied or Associated Power involving through tickets or waybills shall be established at the request of that Allied or Associated Power.

"Freedom of transit will extend to postal, telegraphic and telephonic services.

"It is agreed that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject matter.

"If within a period of five years from the coming into force of the present Treaty no general Convention as aforesaid shall have been concluded under the auspices of the League of Nations, Poland shall be at liberty at any time thereafter to give twelve months notice to the Secretary General of the League of Nations to terminate the obligations of this Article.

"ARTICLE 18.

"Pending the conclusion of a general Convention on the International Régime of waterways, Poland undertakes to apply to the river system of the Vistula (including the Bug and the Narev) the régime applicable to International Waterways set out in Articles 332 to 337 of the Treaty of Peace with Germany.

"ARTICLE 19.

"Poland undertakes to adhere within twelve months of the coming into force of the present treaty to the International Conventions specified in Annex I.

"Poland undertakes to adhere to any new convention, concluded with the approval of the Council of the League of Nations within five years of the coming into force of the present Treaty, to replace any of the International instruments specified in Annex I.

"The Polish Government undertakes within twelve months to notify the Secretary General of the League of Nations whether or not Poland desires to adhere to either or both of the International Conventions specified in Annex II.

"Until Poland has adhered to the two Conventions last specified in Annex I, she agrees, on condition of reciprocity, to protect by effective measures the industrial, literary and artistic property of nationals of the Allied and Associated States. In the case of any Allied or Associated State not adhering to the said Conventions Poland agrees to continue to afford such effective protection on the same conditions until the conclusion of a special bi-lateral treaty or agreement for that purpose with such Allied or Associated State.

"Pending her adhesion to the other Conventions specified in Annex I, Poland will secure to the nationals of the Allied and Associated Powers the advantages to which they would be entitled under the said Conventions.

"Poland further agrees, on condition of reciprocity, to recognise and protect all rights in any industrial, literary or artistic property belonging to the nationals of the Allied and Associated States in force, or which but for the war would have been in force, in any part of her territories before transfer to Poland. For such purpose she will accord the extensions of time agreed to in Articles 307 and 308 of the Treaty with Germany.

"ANNEX I.

"TELEGRAPHIC AND RADIO-TELEGRAPHIC CONVENTIONS.

"International Telegraphic Convention signed at St. Petersburg, July 10/22, 1875.

"Regulations and Tariffs drawn up by the International Telegraph Conference, signed at Lisbon, June 11, 1908.

"International Radio-Telegraphic Convention, July 5, 1912.

"RAILWAY CONVENTIONS.

"Conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, and the current supplementary provisions made under those Conventions.

"Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

"Agreement of May 15, 1886, regarding the technical standardisation of railways, as modified on May 18, 1907.

"SANITARY CONVENTION.

"Convention of December 3, 1903.

"OTHER CONVENTIONS.

"Convention of September 26, 1906, for the suppression of night work for women.

"Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

"Convention of May 18, 1904 and May 4, 1910, regarding the suppression of the White Slave Traffic.

"Convention of May 4, 1910, regarding the suppression of obscene publications.

"International Convention of Paris of March 20, 1883, as revised at Washington in 1911, for the protection of industrial property.

"International Convention of Berne of September 9, 1886, revised at Berlin on November 13, 1908, and completed by the Additional Protocol signed at Berne on March 20, 1914, for the Protection of Literary and Artistic Work.

"ANNEX II.

"Agreement of Madrid of April 14, 1891, for the Prevention of False Indications of origin on goods, revised at Washington in 1911, and

"Agreement of Madrid of 14 April, 1891, for the international registration of trade marks, revised at Washington in 1911.

"ARTICLE 20.

"All rights and privileges accorded by the foregoing Articles to the Allied and Associated States shall be accorded equally to all States members of the League of Nations.

"ARTICLE 21.

"Poland agrees to assume responsibility for such proportion of the Russian public debt and other Russian public liabilities of any kind as may be assigned to her under a special convention between the Principal Allied and Associated Powers on the one hand and Poland on the other, to be prepared by a Commission appointed by the above States. In the event of the Commission not arriving at an agreement the point at issue shall be referred for immediate arbitration to the League of Nations.

"The present Treaty, of which the French and English texts are both authentic, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Germany.

"The deposit of ratifications shall be made at Paris.

"Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

"A procès-verbal of the deposit of ratifications will be drawn up.

"The French Government will transmit to all the signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

"In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

"Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers."

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 77) to amend section 18 of the Indian appropriation act approved June 30, 1919, reported it without amendment and submitted a report (No. 130) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands, to which was referred the bill (S. 667) limiting the creation or extension of forest reserves in New Mexico, reported it with amendments and submitted a report (No. 131) thereon.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2446) to amend section 1318, Revised Statutes, reported it with amendments.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills reported them each without amendment and submitted reports thereon:

A bill (S. 2623) to extend the provisions of an act entitled "An act to provide quarters or commutation thereof to commissioned officers in certain cases," approved April 16, 1918 (Rept. No. 133); and

A bill (S. 2624) to provide travel allowances for certain retired enlisted men and Regular Army reservists (Rept. No. 134).

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2676) to amend section 56 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916 (Rept. No. 135); and

A bill (S. 2677) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade and technical schools and universities, other recognized educational institutions, and for other purposes (Rept. No. 136).

LOCAL DRAFT BOARDS.

Mr. HARDING. On the 21st ultimo I introduced the joint resolution (S. J. Res. 73) providing for payment of compensation for services of members of local draft boards who served also as clerks of their respective boards, and it was inadvertently referred to the Committee on Claims. I ask that the Committee on Claims be discharged from the further consideration of the joint resolution and that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, that action will be taken.

MILITARY JUSTICE.

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 146), and it was considered by unanimous consent and agreed to:

Resolved, That the manuscript entitled "Military Justice" by Lieut. Col. S. T. Ansell, delivered on June 26, 1919, at Bedford Springs, Pa., before the Pennsylvania Bar Association, be printed in the RECORD.

The manuscript is as follows:

[Delivered by Lieut. Col. S. T. Ansell on June 26, 1919, at Bedford Springs, Pa., before the Pennsylvania Bar Association.]

"MILITARY JUSTICE."

"I

"One view:

"The army is the army of the King, to be disciplined by him and his commanders under his ordinances and at his pleasure. (Recital of the ordinances of Richard II.)

"And another view:

"Congress shall have (the exclusive) power to raise and support armies; Congress shall have (the exclusive) power to make rules for the regulation and government of the land and naval forces. (The Constitution of the United States.)

"Among the nations of the world there are two diametrically opposite theories as to the place that the army shall occupy as an institution of government. Those theories are well illustrated by the two texts quoted at the beginning of this discussion. The one clearly represents the monarchical, reactionary, and personal government view. The other is a necessary part of that larger theory of government which insists that the source of all political power is to be found in the people. Under the one theory the army is an army of a king or emperor or person in authority; under the other it is an institution ordained by the people to do their service. Under the one, the obligation of the soldier is to a military chieftain; under the other, it is to the State. Under the one, the military relationship is governed by considerations of personal loyalty and fealty to those in authority; under the other, the military obligation and all relations *inter sese* are established and governed by law established, not intra-institutionally but by the people themselves. Under the one theory the army has a detached, independent, and self-sufficient existence, finding within itself the source of its own government; under the other it is but an institution of government, drawing, like all other institutions, its power from a common superior source upon which it depends for its government and its very existence. Under the one the common soldier was but a serf, a personal retainer of the King, or a subordinate commander, and under the other he is a citizen serving the State in the highest capacity of citizenship.

"That the army belonged to the King rather than to the people was a doctrine maintained in England from earliest times, and which has only been modified with, and rather less slowly than, the progressive growth of popular government. Even at the time of our separation such was the constitutional theory. The right of control by Parliament was practical rather than legalistic. Such organic relations, once established, do not soon or easily disappear. They still persist in and pervade the military code of England; and, notwithstanding the provisions of our fundamental law, relics of the same organic relation strangely persist in our own military code even more strongly than in England's.

"At the time of our separation the respective spheres of power of Parliament and the King over the army had not been definitely determined, but, on the other hand, were a matter of grave and serious contention; indeed, they have not been determined to this day. A matter of such tremendous import to their liberties as the question of the control of the Army, the fathers of our Government were not disposed to leave unsettled. As they did not intend that our people should inherit this controversy regarding the control of the armed forces, they did not intend that the Chief Executive of this Nation should inherit those military powers which in the motherland had been deemed inherent in the Crown. They resolved to make it certain that the Army of the United States should be called into being only by Congress, should continue to exist only at the will of Congress, and should be governed and disciplined only in accordance with laws enacted by Congress. Thus it was that the Constitution, while conferring upon the Chief Executive the power of command, expressly and exclusively conferred upon Congress the power to raise and support armies and the power to make rules for their regulation and government.

"It is under this latter power that Congress enacts the code for the discipline of the Army, commonly known as the Articles of War. The power to make rules for the regulation and government of the armed forces is the power to prescribe the relations, the powers, and the rules of conduct for all the members of those forces, both officers and men, and provide sufficient sanction. It has power to prescribe the substantive offense, the penalty, the tribunal, and the methods of procedure and trial, all subject, of course, to the limitations upon the legislative power found elsewhere in the Constitution. Accordingly, it has the sole power to enact a penal code for the complete government of all who occupy the military status. A soldier is also a citizen, and his conduct must conform not only to the requirements of the general law of the land but to the special requirements of the Military Establishment. The military code is comprehensive of both relations. It adopts the substantive provisions of general social law, and it denounces and penalizes the myriad manifestations of misconduct prejudicial to the military obligation.

"Such exercise of penal power should be in keeping with the progress of enlightened government and should not be inconsistent with those fundamental principles of law which have ever characterized Anglo-American jurisprudence. The military code, being a penal code, it should see that it can be applied to none except upon probable cause. It should be specific with respect to the definition of the offense denounced and the penalty provided. It should particularize with respect to matters of procedure that the trial may be full, fair, and impartial. It should require recognition of those rules of evidence which our jurisprudence has evolved as necessary to elicit those facts upon which the ultimate conclusion of guilt or innocence may with safety and justice rest. With the utmost care it should guarantee those safeguards and that protection for an accused whose life and liberty are placed in jeopardy, which are the pride of our enlightened civilization.

"None of these things does our code do. Its failure to do justice regulated by law should be patent to all who will but observe, and the reasons therefor should not, even to the meanest intellect, be obscure.

"II.

"One view:

"(a) There was extant, I observed, one system of articles of war which had carried two empires to the head of mankind, the Roman and the British, for the British articles of war are only a literal translation of the Roman. It would be vain for us to seek in our own invention or the records of warlike nations for a more complete system of military discipline. I was, therefore, for reporting the British articles of war *totidem verbis*. . . . So undigested were the notions of liberty prevalent among the majority of the members most zealously attached to the public cause that to this day I scarcely know how it was possible that these articles could have been carried. They were adopted, however, and they have governed our armies with little variation to this day. (History of the adoption of the British articles of 1774 by the Continental Congress: Life and Works of John Adams, vol. 3, pp. 68-82.)

"(b) Our military code, however, stands alone among our public statutes in its retaining many provisions and forms of expression dating back from 200 to 500 years, and while it is desirable that some of the articles should be made more precise or extended in scope and the code itself simplified by dropping a few articles and consolidating others, any radical remodeling which would divest this time-honored body of law of its historical associations and interests would be greatly to be deprecated. (Winthrop's Law, Standard Military Text, vol. 1, p. 15.)

"And another:

"Our military code is the British code of 1774 practically unchanged; it has long since outlived its time and whatever usefulness it may have had; it is archaic and cruel; it is not worthy of the name either of law or justice. (Executive committee of the American Bar Association, February, 1919.)

"Our Articles of War, organically and for the most part in detail, are the British articles of 1774, which themselves are of more ancient origin. That this is true of the articles, cer-

tainly as they existed up to the 'revision of 1916,' all military authorities and military text writers, with the love that such have for ancient legal and literary lineage, have proudly declared. The various English codes since the articles of Richard II in 1385 will be found set out in such texts as Winthrop and Davis. A comparison of the several ancient British codes will show you that up until the middle of the last century the British military law changed none in system and principle and only slightly and slowly toward more liberal provisions. The code of 1774, the one we adopted, is buttressed in the principles of and adopts most of its provisions from its prototypes of centuries before. This was the code which our Continental Congress adopted at the beginning of the Revolution, and in principle and in most of its provisions it is the code which we have to this day, unless in truth it can be said that the so-called 'revision of 1916' wrought therein a substantial and systemic change. Legislative history records, as a moment of comparison will serve to verify, that our Continental Congress did, in 1775, adopt in their entirety the British articles of 1774. This Congress did rather inconsiderately to meet an emergent situation in the discipline of the Continental Army. John Adams, distinguished as a statesman and as a scholar rather than as one endowed with the keenest appreciations of democracy, put the British articles through. He himself, appreciating their rigorous character, did not expect them to pass without serious liberalization. He said:

"It was a very difficult and unpopular subject, and I observed to Jefferson that whatever alteration we should report with the least energy in it or the least tendency to a necessary discipline of the Army would be opposed with as much vehemence as if it were the most perfect; we might as well, therefore, report the complete system at once and let it meet its fate. Something perhaps might be gained.

"Writing in 1805 he expressed surprise that it was possible that these articles could have been carried.

"Of this adopted code, the Judge Advocate General, in his letter to the Secretary of War proposing the 'revision of 1916,' said:

"Passing over the earlier enactments of the American Colonies of the Articles of War for the government of their respective contingents, we come to the first American articles—the code of 1775—enacted by the Second Continental Congress June 30, 1775. Of this code, comprising 69 articles, the original was the existing British code of 1774, from which said articles were largely copied.

"There have been several so-called 'revisions' of this code of 1774—the 'revision' of 1775, the 'revision' of 1776, the 'code' of 1786 (which survived the Constitution and was kept in force by successive statutes until 1806), and the 'code' of 1806. The Judge Advocate General in illustrating the necessity for his revision of 1916 showed what is universally conceded that none of these really revised the old British code of 1774; that they made no change in substance, system, or principle, and but little in terms. Of these 'revisions,' doubtless the code of 1806 was the most important. Of this code, Winthrop, agreeing with the present Judge Advocate General and all the authorities, states, what a comparison will show to be true, that—

"It repeated the provision of 1786 in regard to courts-martial, with some slight modification consisting merely in extending the authority to convene general courts and in substituting the President for Congress in the cases in which the latter had previously been vested with final review authority.

"In a statement to the Military Committees the Judge Advocate General, on May 14, 1912, said that our code as it then existed 'was substantially the code of 1806.' He also showed that the code of 1806 was systematically the code of 1774, and, as just seen, he could have given an even more ancient lineage. Of this code of 1806 he said:

"The 1806 code was a reenactment of the articles in force during the Revolutionary War period, with only such modifications as were necessary to adapt them to the Constitution of the United States.

"He also said:

"We are governing the Army to-day under a rather ancient code, one which has many of the defects of a code that has been compiled rather than written.

And, furthermore, he said to the committees:

"It is to be doubted if the Congress has ever been called upon to amend legislation which is as archaic in its character as our present Articles of War.

"Speaking to his so-called 'revision' of 1916, the Judge Advocate General summed up as follows:

"It is thus accurate to say that during the long interval between 1806 and 1912—106 years—our military code has undergone no change except that which has been accomplished by piecemeal amendment. Of the 101 articles which made up the code of 1806, 87 survive in our present code unchanged, and most of the remainder without substantial change. Meanwhile the British code, from which, as we have seen, these articles were largely taken, has been, mainly through the medium of the army annual act, revised almost out of recognition, indicating that the Government with which it originated has recognized its inadaptability to modern service conditions.

"Now, was the Crowder revision of 1916 an organic revision? Did it change the system or the basic principles of the code as it then existed, which was known by all and declared by him to be medieval British code? If the Crowder revision made no such organic change, then we still have an archaic code.

"It made no such change. A comparison will demonstrate that it made no such change. Proponents of the 'revision' themselves stated that the revision requested was a verbal one. It was not intended or designed to make a single fundamental change. So the Secretary of War and the Judge Advocate General both frankly declared. Secretary Stimpson, in his letter of April 19, 1912, to the Committee on Military Affairs, in submitting the proposed revision, described the 'broad features of the project' as follows:

"1. The revision was undertaken in the conservative spirit that legislative reforms should be evolutionary. In other words, that which has successfully withstood the test of experience should be retained and changes and innovations should be limited to the wisdom of experience. As a matter of draftsmanship it has been sought to build upon established lines and to conform in general to settled administrative and judicial construction.

"2. The existing articles are notoriously unsystematic and unscientific. Inevitably this condition hampers their easy and effective enforcement. A careful classification has been made; disassociated legislation in the new Articles of War has been incorporated therein, resulting in an analytical, precise, comprehensive, and easily enforceable code.

"3. There is necessity for a new inferior court.

"The Judge Advocate General, in his letter submitting the project for revision, described the 'more important changes sought to be made' as those of 'arrangement and classification.' The revision of 1916 does nothing but assemble, classify, and render more convenient old articles, dresses them up in rather more modern language, writes into them what hitherto had been legally implied into them by construction, and makes not one single fundamental change. That this is so will become apparent upon a comparison of the 1916 revision with the law as it previously existed. Nobody, neither the Judge Advocate General, the Secretary of War, nor either of the committees of Congress, has ever regarded the project of 1916 as a real, substantial revision; indeed, the Judge Advocate General took occasion to deny that it was anything but a re-statement of existing law for the sake of convenience and clarity. If you are interested in verifying this statement, you may do so by reference to the printed hearings before the Committee on Military Affairs upon the revision of the Articles of War in 1912, 1915, and 1916. You will find there that the author of the project, discussing it before the committees, article by article, was quick to assure them upon every occasion and with respect to every article having to do with military justice that the project made and contemplated no substantial change in the articles, which he truthfully traced to the British articles of 1774 and beyond. He himself said, at page 43 of these hearings:

"If Congress enacts this revision, the service will not be cognizant of any material changes in the procedure, and courts will function much the same as heretofore. * * * The revision will make certain a great deal that has been read into the existing code by construction.

"That was the truth. Nobody has experienced any change for the better.

"III.

"One view:

"(a) Courts-martial are not courts, but are, in fact, simply instrumentalities of the executive power provided by Congress for the President, as Commander in Chief, to aid him in properly commanding the Army and enforcing discipline therein, and utilized under his orders or those of his authorized military representative; they are, indeed, creatures of orders, and, except in so far as an independent discretion may be given them by statute, they are as much subject to the orders of a competent superior as is any military body of persons. (Winthrop's Law, Standard Military Text, vol. 1, p. 54.)

"(b) An army, to be successful in the field, must from the moment it begins to train at home have absolute control of its discipline. The commanding general is everything. He must bear the three keys. He must have final control. He must be the judiciary, the legislative, and the executive. If he were not he would not have an army. (News editorial read into the CONGRESSIONAL RECORD of February 27, 1919, pp. 4507 and 4508, by Representative KAHN, chairman House Committee on Military Affairs, at the request of the Judge Advocate General of the Army.)

"(c) The fittest field for the complete application of military law is to be found in the camp. (Declaration by the Judge Advocate General of the Army in a report to the Secretary of War, resisting the view that judgments of court-martial should be subject to legal revision.)

"Another:

"The whole proceeding (the administration of military justice through courts-martial) from its inception is judicial. The trial, findings, and sentence are the solemn acts of a court organized and conducted under the authority of and according to the prescribed forms of law. It sits to pass upon the most sacred question of human rights that are ever placed on trial in a court of justice; rights which, in the very nature of things, can neither be exposed to danger nor subjected to the uncontrolled will of any man, but which must be adjudged according to law. (Supreme Court of the United States, in *Runkel v. the United States*, 122 U. S., p. 543.)

"It follows from what has been said, and it is true, that there are two diametrically opposed legal theories as to courts-martial. One is that a court-martial is an executive agency belonging to and under the control of the military commander; is, indeed, but a board of officers appointed to investigate the accusation and report their findings to the commander for his approval. Under such a theory a commander exercises an almost unrestrained and unlimited discretion in determining (1) who shall be tried, (2) the prima facie sufficiency of the proof, (3) the sufficiency of the charge, (4) the composition of the court, (5) all questions of law arising during the progress of the trial, (6) the correctness of the proceedings and their sufficiency in law and in fact. Under such a theory all these questions are controlled not by law but by the power of military command.

"The other theory is that a court-martial is inherently judicial, its functions from beginning to end are judicial, and are to be regulated and limited by established principles of jurisprudence which govern the exercise of judicial functions in our system.

"Obviously the first theory would better accord with those Governments which are classed as arbitrary, while the judicial theory is the one best adapted to our own liberal institutions. Yet the arbitrary system is the one that we have, an inheritance of reactionary days. It is a system which, while subjecting every man in the establishment to the direct penalties, even death, proceeds to do so without requiring or contemplating the participation of a single man of legal qualification at any phase of the trial, from the filing of the charges to the moment of execution. It is a system which proclaims itself man-governed rather than law-governed.

"It is not, however, the system which our fundamental law contemplated. Obviously our fathers contemplated one system of military justice and our first Congress enacted another, which we still have with us. This it did to meet an emergency. The emergency over, interest in the subject ceased. In time of war there is no opportunity to reform the system, and in time of peace nobody is interested in reforming it, which suggests a homely illustration. So it is that to this day we have foisted upon us a system of military justice that obtained in England in medieval times.

"That system is un-American. It came to us by inheritance and rather witless adoption out of a system of government, in which the King controlled the army and out of an age noted for its harshness to all alleged or suspected offenders and for the utter disregard of the rights of the common soldier. This system of military justice has in the meantime undergone no change to suit it to our conditions and is as far out of accord with the principles and policies of our Government and the views of our people as were the European systems of government of that day. The system is not only of British origin. It is itself British and the British of several centuries ago. It belongs to a land and an age in which the common soldier was but the personal retainer of the King and not a servant of the State.

"Britain would not recognize that code now. Quite as the Judge Advocate General said in his letter of April 12, transmitting his project for revision:

"Meanwhile the British code, from which, as we have seen, these articles were largely taken, has been, mainly through the medium of the army annual act, revised almost out of recognition, indicating that the Government with which the code originated has recognized its inadaptability to modern service conditions.

"While Great Britain has not done all in the way of liberalizing her military code that a liberty-loving race, though living under a monarchical form of government, might have been expected to do, she has done immeasurably more than we. We have done nothing. We have remained absolutely stagnant. The truth of the matter is that while the English-speaking races are the greatest lovers of civil liberty on earth, for various reasons they have had but little interest in their soldiery and the soldiers' welfare.

"When we separated from England the King was not only the commander of the Army, he was the legislator for the Army. He made the laws for its government; he prescribed the Articles of War, though Parliament contented itself with the view that he did so by reason of parliamentary grant; he prescribed the offenses and the penalty; he prescribed both the substantive and procedural law; he prescribed the courts-martial, their jurisdiction, and their procedure. He controlled the entire system of discipline and the methods of its administration. The army was the King's army, the officers were his officers and from him drew their authority. The men were the King's men, placed by the King under his officers and subjected to the personal authority of the King and officers. Courts-martial were courts-martial of the King and of the officers representing him and his power of command. The courts-martial, therefore, applied the

King's law, the King's penalty, followed the King's procedure, and were subject to the King's command as delegated to an underofficer. Under such a scheme a court-martial was but an agency of command, nowhere in touch with the popular will, nowhere governed by laws established by the people to regulate the relation between sovereign and subject. It was not a judicial body. Its functions were not judicial functions. It was but an agency of the power of command to do its bidding.

"Such is the system we have with us to-day. It does not contemplate that a court-martial shall be a court doing justice according to established principles of jurisprudence and independently of all personal power; quite the contrary. It regards the court-martial simply as the right hand of the commanding officer, to aid him in the maintenance of discipline. It is his agent; he controls it. It is answerable not to the law but to him. Think of what that means. The court-martial is not a court at all; it is but an agency of military command governed and controlled by the will of the commander. Under such a system an officer belongs to a caste—is a thing apart. Any officer can prefer charges against a man and at his will can succeed in getting him tried. The statute requires no preliminary investigation to determine whether or not he may be tried, and such as is required by regulation is also controlled by the military commander and is neither thorough nor effective.

"From then on everything is governed not by law but by the power of military command. The detail of counsel, the membership of the court, the question of the validity of the charge, the sufficiency of the evidence, the correctness of the procedure, the validity of the judgment and sentence, and the thousand and one questions arising in the progress of a criminal trial are all left finally to the judgment of the commanding general. Even the ultimate conclusion of guilt or innocence is subject to his control. There is no right of review; there is no legal supervision. All is to be determined by the commanding general. Whatever he says is right and becomes right as his ipse dixit, regardless of general principles of jurisprudence, and right beyond any power of review. He is the law. No matter how great the departures are from the well-established principles of law and right and justice, these departures become error or not just as the commanding officer may choose to regard them. There is no legal standard to which courts-martial procedure must conform, and therefore there can be no error adjudged according to a legal standard. In other words, military justice is administered not according to a standard of law at all but under the authority of a commanding officer. The results are, as might be expected when one man is left to be judged at the will of another, the penalties and sentence are shockingly harsh; and I think that everybody, if everybody would speak frankly and helpfully, must be heartily ashamed of them.

"The Constitution contemplates that the administration of military justice should be governed in accordance with the laws of Congress and not in accordance with the will of any person; that Congress should define specifically the offense, definitely prescribe the punishment, establish the procedure, and keep all upon the fundamental principles of our jurisprudence. The highest tribunal of the land, whenever it has had occasion to speak, has accentuated the fact that courts-martial are inherently courts dealing with judicial functions of the most sacred character. Congress has utterly failed to legislate in furtherance of the constitutional and judicial theory, and by its failure to legislate and by its adoption and retention of a system emanating out of a different theory has left it so that military command may continue that medieval system of discipline which is governed not by law but by the will of the military commander.

"IV.

"One view:

"The introduction of fundamental principles of civil jurisprudence into the administration of military justice is to be discouraged and resisted. (The departmental view as expressed in the hearing (1912) on the bill to amend the Articles of War.)

"Another:

"A court-martial is a court deriving its authority from the United States. * * * Congress, by express constitutional provisions, has the power to prescribe rules for the government and regulation of the Army, but those rules must be interpreted in connection with the prohibition against a man's being twice put in jeopardy for the same offense. The former provision must not be so interpreted as to nullify the latter. (Supreme Court of the United States, in *Grafton v. The United States*, 206 U. S., 333, 352.)

"This theory of control of courts-martial by the power of military command is, of course, in irreconcilable conflict with the view that trial by court-martial should conform to those fundamental principles of civil jurisprudence that are designed to secure for every accused a full, fair, and impartial trial. The militaristic view insists that trial shall be no more than a

hearing by or for a commanding officer. The opposing view, which accords with our institutions and seems to be required by fundamental law, insists that the trial shall be in accordance with established principles of law, that discipline must be attained through and by law, and that discipline, both in the legal and moral sense of the term, can not exist except with and through justice. According to the former view courts-martial are not courts of law, independently administering the law and governed by the law, but are indeed above the law. They are of an unquestionable rectitude and quality, and their methods and judgments are not to be tested by the simple rules designed for the government of men in all social relations. Officers of the Army—at least unless once entangled in their toils—love to denominate them 'courts of honor,' functioning independently of the ordinary human rules and endowed with a refinement of judgment not recognized in other spheres of society. Being courts of honor and not of law, they need know no law, are presumed to know no law, and, as a rule, do know no law. Thus it is that these principles designed to secure a fair and impartial trial, which, having been evolved by our civilization, are at the basis of our Government and are written into our fundamental law, need not be observed by these courts. That a man shall not be tried except upon probable cause judicially determined; that he is entitled to a fair and impartial judge; that a judge may not sit in his own cause or be a prosecuting witness in the case before him; that the accused shall have the right to a judicial test of the validity of the accusation; that he shall be fully informed of the nature and cause of the accusation against him; that he is entitled to the assistance of counsel; that he is entitled to witnesses in his own behalf and the right to confront the witnesses opposed to him; that he has the right fully to test by proper cross-examination any witness regardless of rank or other earthly circumstance; that he is entitled to a public hearing, and finally shall be accorded an opportunity to appeal for clemency—these matters, found essential to fairness in a court of law, are not recognized as necessary or advisable to be secured to an accused on trial before these 'courts of honor.'

"These distinguishing characteristics of the administration of civil justice must not, say military men, be introduced into the military code. The present Judge Advocate General of the Army in calling attention to these essential differences between military and civil justice quotes from Col. Burkeheimer, author of *Military and Civil Law*, as follows:

"The military code prescribed a rule of conduct to a body of men who consecrate their lives to the profession of arms. The camp is the fittest field of application. It may be very objectionable in some respects contemplated from the purely legal standpoint and yet be admirably adapted to the purposes of uniting, governing, and directing to a single object the armed forces of the United States.

"He further quoted from Judge Advocate General Lieber, who, writing in 1879, said:

"Military law is founded on the idea of a departure from civil law, and it seems to me a grave error to suffer it to become a sacrifice to principles of civil jurisprudence at variance with its object.

"He quotes also from Gen. Sherman, in which he said:

"It is greatly to be desired that the common law for the armies of the United States should be compiled not from the doctrines and experiences of civil lawyers but from the experience of the best ordered and best governed armies of Europe and America.

"And the same authority, pointing out that this essential difficulty between the military and civil criminal code, said that it was so because 'of the necessities of the military state and the especial purposes which any military code is intended to serve.'

"So say they all. The sacrifice of legal principles and of our sense of natural justice in the trial of military offenders is said to be necessary for the maintenance of discipline. It may well be that military punishments should be severe and certain and not long delayed, but such requirements do not serve to distinguish military from civil justice. A man should not be punished unless he is tried and tried fairly. Guilt must be established in accordance with legal principles before the penalty can be legally applied. To do otherwise is to resort to the methods of the mob. It is not necessary to do injustice in order to achieve discipline. Let us not forget the truth, as William Pitt said, that—

"Necessity is the argument of tyrants; it is the creed of slaves.

"Or, as expressed by Milton—

"And with necessity,

The tyrant's plea, excused his devilish deeds.

"Necessity can never be admitted as a proper basis for normal action.

"Under the military theory that a court-martial is not a court, that its functions are not judicial, and that it does not try crimes but simply mere breaches of the military obligation, it has been the long-standing view of the department, supported

by the decisions of many of the lower Federal courts, that the constitutional prohibition against double jeopardy and such like principles of the Bill of Rights had no application to these trials. Upon this theory an enlisted man tried and acquitted by court-martial in the Philippines of murder was subsequently subjected to trial for the same homicide before a civil court in that Federal jurisdiction. The civil court overruled the plea in bar of trial and its judgment upon conviction was sustained by the supreme court of the Philippines. The Supreme Court of the United States reversed the judgment, discharged the soldier from custody, and in doing so rendered an opinion which is of the greatest significance, though it seems to have fallen on deaf ears, so far as the War Department and Congress are concerned. The court pointed out that a court-martial is a court exercising judicial functions, as much so as any other court of the United States; and after having further pointed out that the civil court had tried the soldier for an offense of which he had been previously acquitted by a court of the United States having competent jurisdiction—the court-martial—the court said:

"It is attempted to meet this view by the suggestion that Grafton committed two distinct offenses—one against military law and discipline, the other against civil law, which may prescribe the punishment for crimes against organized society by whomsoever those crimes are committed—and that a trial for either offense, whatever its result, whether acquittal or conviction, and even if the first trial was in a court of competent jurisdiction, is no bar to a trial in another court of the same government for the same offense. We can not assent to this view.

"The court went on to say:

"Congress by express constitutional provision has the power to prescribe rules for the government and regulation of the Army, but those rules must be interpreted in connection with the prohibition against a man's being twice put in jeopardy for the same offense. The former provision must not be so interpreted as to nullify the latter. If, therefore, a person be tried for an offense in a tribunal deriving its jurisdiction and authority from the United States and is acquitted or convicted, he can not again be tried for the same offense in another tribunal deriving its jurisdiction and authority from the United States.

"And then the court took occasion to state that it based its decision that the soldier was entitled to this protection not on the ground that an article of war provides against second trials nor that the organic act of the Philippines contained a similar provision but on the ground of constitutional requirement, saying:

"But we rest our decision of this question upon the broad ground that the same acts constituting a crime against the United States can not, after the acquittal or conviction of the accused in a court of competent jurisdiction, be made the basis of a second trial of the accused for that crime in the same or any other court, civil or military, of the same Government.

"Surely a court-martial may not perform its fundamental functions as a court of law without recognizing those principles of civil jurisprudence designed to secure a fair trial.

"V.

"One view:

"(a) The President may prescribe the procedure, including modes of proof, in cases before courts-martial. (New Articles of War (38th), which was enacted in 1916 upon the recommendation of the Judge Advocate General and the War Department and which abolished the rule requiring courts-martial to recognize the rules of evidence applied in the criminal courts of the United States.)

"(b) And why should not a soldier commit himself? The business of courts-martial is not to discuss law but to get at the truth by all the means in its power. We soldiers want to get at the fact, no matter how, for the sake of discipline, and I know of no better evidence against a man than himself. (Napier's Notes, Military Law, accepted and frequently quoted by officers of the United States Army.)

"Another:

"(a) Our rules of evidence are the safeguards of every subject of your Majesty, high and low, rich and poor, young and old. Were those rules to be disregarded, anybody might at any time be found guilty of anything. They ought, of all others, to be kept inviolate, for the whole administration of justice depends upon them. They are, as I have this day seen observed in full force and eloquence, the result of the collective wisdom of generations and founded on the principles of immutable equity. (Warren's Letter to the Queen on a Late Court-Martial (p. 8), which was instrumental in revolutionizing the British military code.)

"(b) It is one purpose of this bill to require that the question of guilt or innocence shall be determined only upon evidence admitted in accordance with the established rules as applied by the criminal courts of the United States; that is to say, the common-law rules of evidence as modified by Congress. (Statement of principles of the Chamberlain-Johnson bill to establish military justice.)

"The militaristic mind is intolerant of those methods and processes necessary to justice. Justice is not a thing which can be left to nature unurtured by man. Frequently it must be achieved through pain and toil. It is a high object of government, and government is required for its establishment. When resort is had to a trial, justice can not be achieved unless the methods of the trial are themselves just. The procedure leading to the result and the result itself are essentially involved in justice, and if the procedure is wrong so must be the result. The one is no less important than the other. Neither the

President nor any of his military minions should be permitted to prescribe those rules of procedure, including the rules of evidence, which govern the results in criminal prosecutions. To prescribe such procedure is not an executive function.

"But the revision of 1916 so made it. Three new articles affecting military justice were introduced by the revision, all of which were reactionary, still further subjecting judicial functions to military command. One of these (thirty-eighth) authorized the President to prescribe the procedure, including modes of proof, in cases before courts-martial. This was enacted at the request of the military authorities and in deference to the military view, which insists that military command should control the trial. It must also be remembered that while the statute in terms confers the power upon the President as an administrative fact, it is not the President who will exercise it, but the Chief of Staff and the Judge Advocate General of the Army—ultramilitary men.

"While the military mind is intolerant of all protective principles and of all rules governing a trial, it is particularly so of the rules of evidence. The text quoted from Napier is orthodox American military doctrine. With one accord the professional officers of our Army believe with Napier 'that the business of courts-martial is not to discuss law, but to get at the truth by all the means in its power.' Our officers, both in formal and in informal statements in support of our system of military justice, habitually drop into the very language used by that distinguished British officer when he took the British bar to task for its interference in court-martial matters, and boldly declared:

"We soldiers want to get at the fact, no matter how, for the sake of discipline.

"There is no better witness against a man than himself." That statement is axiomatic among our officers. They will hear of no qualifications, nor can they see any evil consequences of the generous application of what is so good. It is the basis of our third-degree methods. It helps the investigating officer to impose his authority upon the unfortunate suspected man and enmesh him in words and conduct having no origin in fairness and truth. It is an excuse for the reception of incompetent confessions or for holding them to be without prejudicial effect. It justifies in a thousand instances that situation in which an accused, with incompetent counsel or none, is induced to take the stand and make out, for the benefit of the record at least, a case which the Government had failed to prove. I have seen the office of the Judge Advocate General dispose of hundreds of cases with a review like three which I have had occasion to observe this day, one of which was as follows:

"Taking this record as a whole, and considering the testimony of the accused, there is sufficient evidence to support the findings and sentence. This case is similar to C. M. 126171, in which the findings and sentence were sustained, although the prosecution, when it rested, had failed to make out a case by competent evidence but had introduced incompetent testimony tending to show the guilt of the accused. In that case, as in this, the accused took the stand and established a case against himself by his own statements. The board therefore recommends that this case be passed to the files.

"We want to get the fact, no matter how, for the sake of discipline.' What a confession! What a wonderful mixture of arrogance and inconsistency! According to it, fact is something absolute, that can be and should be established without regard to law, logic, or human rights. All is to be done 'for the sake of discipline.' That end is to justify the most lawless means—extortion, oppression, cruelty—whatever those in authority deem necessary to 'get the facts.'

"A professor of the law of evidence of national repute who, after brief military service, is an ardent upholder of the present system of military justice, recently testified before the committee of the American Bar Association that the system was more nearly perfect than most judicial institutions, and then, intending to voice but a mild criticism, and apparently without observing the destructive character of the criticism and of his own inconsistency, said:

"The one fault with our courts-martial is that they give us too few facts.

"All too true! Ignoring the established safeguards, discarding all rules of procedure and evidence, they give us everything but facts. They give us oppression that is approved or condoned; they give us error that goes uncorrected; they give us unfairness that destroys all faith in military procedure; and, in the end, they give us conviction of the innocent and bring sadness in ten thousand American homes. They have proved the truth of Warren's statement, as every lawyer familiar with the facts and uninfluenced by military control surely knows, that—

"Were those rules (of evidence) to be discarded, anybody might at any time be found guilty of anything.

"I wish to say with all the emphasis I can put into the statement that, by reason of our utter disregard of those principles

of our jurisprudence which must govern every just trial, no lawyer who believes in and wants to see established justice regulated by law can have confidence in or respect for the results of our courts-martial during this war.

"VI.

"One view:

"While in many cases the trials of enlisted men are not so elaborate as the trials of officers, and in many cases the rules of evidence are not observed and counsel is obviously inadequate, and while in a considerable percentage of the cases we find the decision is not sustained by the fact, still I do not recall a single case in which, morally, we were not convinced that the accused was guilty. (Testimony of a reviewing judge advocate before committee American Bar Association, Mar. 27-28, 1919, notes, vol. 1; concurred in by the others.)

"Another:

"It concerns the safety of all citizens alike that legal guilt should be made the sole condition for legal punishment; for legal guilt, rightly understood, is nothing but moral guilt ascertained according to those rules of trial which experience and reflection have combined to suggest for the security of the State at large. * * * They (these fundamental principles of our law) have, nevertheless, been lost sight of, and with a disastrous effect, by the military authorities conducting and supporting the validity of the proceedings about to be brought before Your Majesty. (Warren's letter to the Queen, p. 9.)

"The two texts just quoted, the one recently expressed by a few lawyers who after but a brief subjection to military authority have become surprisingly and quickly imbued with the necessity of approving records of trial, however violative of all legal principles, and the other which is the antithesis of the first and which I should have supposed all lawyers would accept as axiomatic, are interesting and pertinent. The first, because it shows among other things to what extent subjection to power of military command deflects legal judgment; it shows how the military relationship as it exists to-day imposes itself upon professional appreciation and obscures those first principles which are normally regarded as tenets of the faith and foundation stones of the temple of justice. The last man in the world to be expected to prefer his impression of moral guilt to guilt duly adjudged, his own judgment to the judgment of a court of law, his personal views upon insufficient investigation for the institutional results of established legal procedure—should be the lawyer. What does it mean for lawyers sitting in a judicial capacity to say: We find the soldier has not been well tried; we find that the rules of evidence were not observed in his case; we find that he had not the substantial right of assistance of counsel; we even find that the decision was not sustained by the facts of record; and yet we are morally convinced that the accused was guilty, so let him be punished? That leads to something worse than injustice to the accused; it leads to anarchy. It is the argument of the mob, and leads to the destruction of our Government. You break faith with your profession and your citizenship when, in the name of justice, you can tolerate such a state of things.

"VIII.

"One view:

"Hagenback, of Hamburg, has shown that there is no beast on earth that can not be made to behave itself in fear of punishment by a higher power. The same rule applies to all men. (Published essay of Lieut. Col. Woodruff, Regular Army, concerning discipline; a prevalent military idea.)

"Another:

"Discipline, in the correct sense of the term, can be preserved in our Army only with justice and the assurance of justice. The spirit, the moral quality of our men, must be appealed to. A military leader worthy of the name must aim to develop the moral quality of the soldier. He must appeal to and depend upon the sense of self-respect and the principles of citizenship upon which our patriotism rests, and develop and rely upon the mutual trust and confidence required for the supreme self-sacrifice. (Speech of Col. S. T. Ansell before the Washington Civic Forum, Mar. 18, 1919.)

"The maintenance of discipline through fear of punishment is too much of a military motto. Discipline there must be in the Army and out of it; punishment also. But threats and examples of punishment are far less effective than the military man appreciates, and when resorted to in terrorism are destructive of all discipline. The apprehensive faculty is not at the basis of social coherence or military morale. Man, even when temporarily a soldier, is not a brute beast. The soldier's best is not brought out through fear of or oppression by his superiors. Punishment must be the last resort, a fact that our Army fails to grasp. Every year in days of peace we ran 6½ per cent of our men before general courts-martial and expelled 5 per cent of them from the service in disgrace with long terms of imprisonment; and every year we ran 70 per cent of our men before the inferior courts. Though our war army did not begin to mobilize until late in 1917 and was not mobilized in large numbers until the spring of 1918, still, in the short time intervening before the armistice, we had some 22,000 general-court cases and 320,000 inferior-court cases, and recent statistics indicate that the general-court cases, including, as they did, some of the most

trivial offenses, averaged sentences of more than seven years' imprisonment, including dishonorable discharge from the service. Surely, discipline of our soldiery in this war was due to qualities that characterize American citizenship—not to the unhappy methods which the Army adopted for maintaining it.

"VIII.

"I have not been made to believe, by a perusal of these complaints, that justice is not done to-day under the military law or has not been done during the war period. (Open letter of the Secretary of War, Mar. 1, 1919.)

"This letter was not written by the Secretary of War, but for him. It expresses the military and departmental view; whether his own or not nobody knows. Out of my experience as Acting Judge Advocate General during this war and my long connection with the Army, I have had to insist that that view was wrong; that, on the other hand, our system is one of organized, spirit-crushing injustice. This insistence, while it has yet led to no reform of the system, has resulted in something of a general fall delivery by way of clemency. I quote from the most recent clemency report (June 6):

Total number of cases finally passed upon during the period Feb. 24 to June 4, inclusive.....	3,976
Number of cases in which clemency was extended.....	3,465
Number of cases in which no clemency was extended.....	511
Percentage of cases in which clemency was extended.....	87.165
Percentage of cases in which no clemency was extended.....	12.835
Average sentence to confinement.....	7.05
Average sentence to confinement remaining after remission, years.....	1.69
Number of unexecuted sentences to confinement remitted.....	1,153
Number of men recommended for or authorized to apply for honorable discharge (instead of dishonorable, as sentenced).....	336
Number of men recommended for restoration to duty.....	182
Aggregate sentences to confinement.....	28,040
Aggregate sentences to confinement remaining after remission, years.....	6,724
Percentage of reduction.....	76.11

"Clemency, however, is not the remedy in case of an unlawful conviction. Clemency proceeds generally upon the predicate of guilt. It is forgiveness of sin. Justice in the case of a man unlawfully convicted requires that the judgment be reversed or set aside.

"An examination of the records will show, to the satisfaction of any lawyer seeking to ascertain facts rather than to support the system, that—

"(a) Sixty per cent of the general courts-martial cases ought never to have been tried.

"(b) That according to a reasonable, common-sense, and untechnical standard 70 per cent of the cases were not well tried.

"(c) That 20 per cent were so poorly tried that the record can not be relied on at all.

"(d) That in 75 per cent of the convictions the punishment awarded was such as to shock the conscience.

"This same state of facts is reflected in the clemency reports. Such facts are inconsistent with any standard of justice.

"IN CONCLUSION.

"The defects of the code, as I see them, have already herein been sufficiently reflected. Discipline through courts-martial is governed by men and not by law. The judicial functions of the Army are subject absolutely to the power of military command, with only the slightest of legal restraints. A court-martial is not a court. It is the agency of a military commander. He creates it and governs it, and to him it is responsible. The system not being one of law, the standard is not a legal standard, but one of conformity to the views of a commanding general. Questions of law as such can not arise, and such questions as do arise are presented to him for determination not as questions of law to which he is bound to defer but as questions to be disposed of by him finally and in accordance with his ideas, first, as to the requirements of discipline, and, secondly, of right and justice. The system, which is one of absolute penal government of every person subjected to military law, and which results in an almost incomprehensible number of courts-martial annually, is most remarkable in that it neither contemplates nor requires the participation of a lawyer at any point. The military commander governs the trial from the moment of accusation to the execution of the sentence, and such law adviser as he may have on his staff is without authority or right to interpose. At every point the decision of the commanding general is final and beyond all review. All the legal machinery designed to 'advise' commanders in the administration of justice is extralegal, is not established by law, much of it was created by me during this war, may be abolished at the pleasure of superior military authority (and doubtless will be). Such legal machinery does not function independently, but in strict subordination to the power of military command. The Judge Advocate General of the Army, as well as his office, his department, and all his functions, are by express provision of the statute made subject to the power of the Chief of Staff, and the 'decisions' of the Judge

Advocate General and of every officer in his department, even upon questions of pure law, are subject to military 'supervision.'

"All these matters of military justice are left to be determined by power of military command. We may be frank without being offensive in dealing with common-sense truths. Any officers, like other men, can judge facts. But who can honestly contend that they are fit judges of law? Their training is, as a matter of fact, away from law. No man, as a rule, has cruder legal appreciations than the professional soldier. I am at a loss to see how Army officers should know any more about pure law than lawyers should know about military tactics and strategy. The courts themselves consist of military men, with nobody sitting with them or over them with a judicial capacity to govern them in matters of law. As was once said by a distinguished British barrister:

"It would indeed seem as reasonable to expect 15 military men capable of conducting satisfactorily a purely judicial investigation, dependent in every stage on the application of principles of a jurisprudence with which they can not have become acquainted, as to imagine the 15 judges of Your Majesty's superior and common-law courts at Westminster competent to form a correct opinion concerning critical military operations dependent upon pure strategical science.

"Errors committed in such trials by men ignorant of law are not likely to be regarded as untenable and idle, according to any system of law. They are likely to be, indeed they are, ridiculous blunders with tragic consequences. Proceedings of courts-martial consisting of unlettered men and having with them no judge of the law, and applying a code that, though penal, is not specific either in defining the offense, penalty, or procedure, must be expected to be, and they are, wrong from beginning to end; wrong in fact; wrong in law; wrong in the conduct of the inquiry; wrong in the finding; wrong in the advice given by compliant and impotent law officers, who recommend the approval of such proceedings; wrong in the ignorant confirmation of such proceedings; wrong in everything. And yet of such errors there can be no review, not even by any military authority superior to the officer who convened and governed the court and finalized its proceedings.

"The code, if such it can be called, does little or nothing more than permit the commander to do as he pleases. It is a 'do-as-you-please' code, out of deference to the power of military command. It prescribes little or no procedure. It contains 42 punitive articles. The offense is defined in none of these, but is left to be taken care of by military custom. Twenty-nine of them prescribe that the offense denounced 'shall be punished as a court-martial may direct.' Under this authority the court-martial may award any punishment whatever except death, and for a minor military offense may, if they choose, sentence an offender to imprisonment for life. Eleven of the articles prescribe that the offenses therein defined 'shall be punished by death or such other punishment as a court-martial may direct.'

"For these offenses the court-martial may, in their discretion, award the sentence of death. And two articles make death mandatory. In time of war a court-martial may award any punishment it pleases other than death for any offense whatever, and for many offenses which in civil life would be regarded as meriting no serious punishment they may award the penalty of death. In time of peace Congress has authorized the President in such cases to fix maximum limits of punishment, but of course not he, but the military men of the department, really fix the penalties. Such an application of penal law-making power has little to commend it from any point of view.

"The defects pointed out, both generic and specific, are, unless I am utterly wrong, such as to require immediate remedy, and the remedy is not difficult to prescribe."

COMMITTEE ON FINANCE.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 144, submitted by Mr. PENROSE on the 31st ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Finance, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of New Mexico:

A bill (S. 2701) for the relief of Frank Grygla; to the Committee on Claims.

By Mr. MYERS:

A bill (S. 2702) for the protection of timber on the public lands from forest fires; to the Committee on Appropriations.

By Mr. CALDER:

A bill (S. 2703) for the retirement of certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. HARDING:

A bill (S. 2704) granting a pension to Margaret Schwaner; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 2705) granting a pension to William Ingersoll (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 2706) granting a pension to Charles W. Rhodes (with accompanying papers); to the Committee on Pensions.

A bill (S. 2707) for the relief of Ellen M. Willey, widow of Owen S. Willey; to the Committee on Naval Affairs.

A bill (S. 2708) for the relief of Einar Barfod; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 2709) authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Waken town site, Fort Peck Indian Reservation, Mont., and to set aside one block in each township on said reservation for school purposes; to the Committee on Indian Affairs.

AFFAIRS IN ARMENIA.

Mr. KING. I offer the resolution which I send to the desk, and ask that it be read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 147) was read and referred to the Committee on Foreign Relations, as follows:

Whereas it is the purpose of the allied and associated powers to restore Armenia to her ancient territorial boundaries and to liberate the Armenian people from the despotism of the Ottoman Turks; and Whereas, notwithstanding the armistice with Turkey, the purposes of the allied and associated powers are in danger of being thwarted by imminent threats of a general massacre of the Armenian population by armed bands of Turks, Tartars, and Kurds, who are prepared to advance into Armenia from the west, the north, and the east, for the purpose of reducing by murder the Armenian people to such a condition as to give the Turks, Tartars, and Kurds the occupation and control of the country; and

Whereas by the terms of the armistice between Gen. Allenby (commander in chief of the British forces, acting for and on behalf of the allied and associated powers) and the Turks, the right was reserved to occupy the villayets of Armenia and other villayets of Turkey in the event of disorders affecting the life, liberty, or property of the inhabitants; and

Whereas the Armenian people are to a large extent without weapons, armaments, or means of military defense: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that the peace conference at Paris, by and with the advice of the supreme war council, should demand the immediate evacuation from the villayets of Armenia and from the villayets of Anatolia, in which disorders are threatened, of all Turkish troops and of all Turkish, Tartar, and Kurdish bands bearing arms, and should take effective measures in conformity to the rights reserved in the armistice with Turkey to occupy the villayets of Armenia and the villayets of Anatolia, where disorders are threatened, with military forces of the allied and associated powers, and that further measures be taken to effectively equip the Armenian population with weapons and arms for defense and to supply adequate food, clothing, medical supplies, and other necessities to enable the Armenian people to effectually organize an independent government and control the national territory of Armenia.

HIGH COST OF LIVING.

Mr. McKELLAR submitted the following resolution (S. Res. 148), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a select bipartisan committee of six Senators, three from the majority and three from the minority, be appointed by the President of the Senate, and when so appointed shall be authorized to select its own chairman, to send for persons and papers, to administer oaths, and to employ a stenographer or stenographers to report such hearings as may be had in connection with the subject of the high cost of living; and said committee is also authorized to employ such other expert assistants as may be necessary; that the committee may sit daily during the sessions or recess of the Senate, and it shall report its findings and recommendations to the Senate at the earliest date possible; that the expenses thereof shall be paid out of the contingent fund of the Senate.

THE MERCHANT MARINE.

Mr. FLETCHER. I have here a communication from Mr. Wharton Barker, of Philadelphia, on the subject of the use of the merchant ships of the United States built with public money. It is not very long, and I ask to have it printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the communication was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

PHILADELPHIA, July 25, 1919.

HON. DUNCAN U. FLETCHER,

United States Senate, Washington, D. C.

DEAR SENATOR: In accordance with previous correspondence over the subject of the use of the merchant ships of the United States built with public money, I have prepared a memorial to the Senate, which I inclose

herewith. I hope you will have it read in the Senate, so that it can be printed in the RECORD of the Senate and later made a public document for distribution among the citizens.

Yours, very truly,

WHARTON BARKER.

A memorial.

SENATORS OF THE UNITED STATES:

The use of the merchant ships built by the United States for war service, paid for with public money, is an immediate and prime question for the Congress to solve.

For more than 50 years foreign commerce of the United States has been done in ships British, European, and Asiatic, with consequent large tribute to foreign shipowners and often at great disadvantage to farmers, miners, merchants, and manufacturers of the United States, because these foreign shipowners designated the American ports from which shipments must be made, thus causing unnecessary land transportation and congestion of freight at some ports and, for these reasons, waste of time and money.

To meet these burdens subsidies paid by the United States to corporate and private shipowners have been proposed, but as these bounties would have been paid to American shipowners almost always working in accord with foreign shipowners, no advantage could result to American producers, and so the proposals went by the board.

Because of construction of ships for war service now near completion, the United States will have in 1920 between fifteen and sixteen million tons of ocean-going shipping, about 70 per cent public-owned ships (estimates of United States statisticians), and these ships adapted to every kind of overseas trade.

American ownership of this great ocean marine liberates the United States from the bondage to foreign shipowners and from bondage to American shipowners allied, provided American people-owned ships are operated by a department of the Government of the United States or by a corporation created by the Congress, all capital owned by the United States. Such operation of ships would insure shipment of natural and manufactured products from ports most advantageous for the several shipments at stable rates, made as low as maintenance and operation of ships at highest efficiency—of course, at adequate wages for officers, crews, and stevedores—plus interest upon capital and sinking fund of capital within 15 years, plus insurance against loss of ships, would permit.

The capital sinking fund to be expended for building new ships to take the place of worn-out ships.

The capital cost of the ships when taken over by the Department of Commerce or by the corporation spoken of, should be not more than \$70 per ton—perhaps \$50 per ton—and the difference between this per ton charge and actual cost during the war exigency period should be charged to war expenditures, so that the ships would be operated without handicap. The usual profits of private shipowners would be saved, and the public would have the profits—not individuals, firms, or private corporations.

At no time would the interest charge upon capital investment, the United States the borrower, be more than two-thirds what the charge would be if the borrower was an individual, firm, or private corporation.

Under public operation there would be no discrimination in charges and no shipments of one shipper have preference over another shipper.

As foreign ships would have to meet the competition of the American public owned and operated ships, a competition they could not meet unless foreign nations adopted and practiced the plan proposed, the American merchant marine would have almost all of the overseas commerce of the United States.

This tonnage, built with public moneys, will constitute the American people's greatest asset in its commercial relations with the world. Operated by the Government at rates that will be stable and low because operated without profit beyond the sinking fund needed for amortization, and directly advantageous to farmer, miner, manufacturers, and merchants because they are stable and low, this tonnage means American independence of all foreign control of ocean transportation.

This plan of operation of the United States owned merchant ships can be and will be opposed only by those citizens who have grown rich and powerful because of the special privileges granted to them by the Congress of the United States and by the legislatures of the several States.

When Senators and Representatives of the Congress of the United States vote—and they must vote soon—upon the question of how the merchant ships built with public money must be met, they will ponder upon the proposal here made and, I believe, will look upon it as the only proposal that will preserve the commonwealth and so vote for the plan and reject all plans for sale or lease of the public-owned ships of the United States.

PHILADELPHIA, Pa., July 23, 1919.

WHARTON BARKER.

TREATY WITH GERMANY.

Mr. FLETCHER. I have also a letter appearing in the Evening Post, of New York, by Mr. Theodore Gilman, dated July 24, on the subject of the treaty, and advocating that all amendments should be made after the treaty is ratified. I ask to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RATIFICATION, THEN AMENDMENT.

"TO THE EDITOR OF THE EVENING POST.

"SIR: The discussions which arose when the Constitution of the United States was transmitted to the several legislatures in 1787 for its adoption or rejection called forth from the friends and enemies of that instrument arguments in its favor and against it which are strikingly similar to the discussions which are now taking place in connection with the adoption of the covenant of the league of nations.

"Among those who opposed the adoption of the Constitution was Patrick Henry, the great orator of the Revolution. He saw dangers for such a government as was proposed in the Constitution which experience has shown to be imaginary. He thought, truly, that the convention was not authorized to draw up such a compact as is contained in the Constitution. He said that the people gave the members of the Constitutional Convention no

power to use their name, and that they exceeded their power is clear. He said the Federal Convention ought to have amended the old system and this was the object of their mission. When he came to examine the features of the new Constitution, they appeared to him horribly frightful—"it squints toward monarchy." The Senate is so imperfectly constructed that our dearest rights may be sacrificed by a small minority. "Where," he asked, "are your checks on this Government? Your strongholds will be in the hands of our enemies." He said, "If you agree to previous amendments, you shall have union, firm and solid. I can not conclude without saying I shall have nothing to do with it, if subsequent amendments be determined upon." He was for the amendment first and ratification afterwards, which is the orderly procedure which any lawyer's clerk would advise. It is the view in which logical and legal minds become involved.

"When Henry saw that the contest was going against him he said, like a true patriot, 'I will be a peaceful citizen. With my head, my hand, and my heart I will endeavor to remove the defects of that system in a constitutional way.'

"These views are examples of those which were originated by the opponents of the Constitution. Similar objections are to be heard now from those who oppose the league of nations.

"On the other hand, those who supported the Constitution were represented, among others, by Randolph of Virginia, who said, 'When I maturely weigh the advantages of the union and the dreadful consequences of its dissolution; when I see safety on my right hand and danger on my left; when I behold respectability and happiness acquired by the one, but annihilation by the other, I can not hesitate to decide in favor of the former.' This was the practical view which appealed to the common sense of the legislatures.

"James Madison, the fourth President of the United States, was the most powerful advocate for the adoption of the Constitution. He said, 'Though vast must be the difficulty of concentrating in one Government the interests and the conciliating of opinions of so many different heterogeneous bodies, when we consider this Government, we ought to make great allowances. We must calculate the impossibility that every State should be gratified in its wishes. It has never been denied by the friends of the Constitution that it has its defects, but they do not think that it contains any real danger. They conceive that they will in all probability be removed where experience will show it to be necessary. Suppose Virginia should propose certain alterations as the previous condition of her accession. If the other States should be disposed to accede to her proposition, the difficulty attending it would be immense. Every one of the eight States which have ratified the Constitution must take up the subject again. When the amendments are brought together in one assembly they must go through and accede to every one of the amendments. No less than 40 amendments and a bill of rights, which contains 20 amendments and 20 other alterations, have been brought forward. Will not every State think herself equally entitled to propose as many amendments? I leave it to this convention whether the States can agree to anything but the Constitution which is now on the table.'

"In the New York convention a proposal for conditional ratification of the Constitution was met by Alexander Hamilton in a brilliant speech, and Melancthon Smith, a member of the legislature, confessed that he was convinced by that speech that conditional ratification was absurd and weak. The legislature added to its ratification these words: 'An invincible reluctance to separating from our sister States has prevailed upon a sufficient number of us to ratify the Constitution without stipulating for previous amendments.'

"The practical method debated by the State conventions affords a guide for the action of the various parliaments and for our Senate in the action that they should take in disposing of this question of the adoption of the league of nations.

"Several States in transmitting in 1788 to Congress their assent and ratification of the Constitution added: 'The convention do, in the name and behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution to exert all their influence and use all reasonable and legal methods to obtain ratification of the said alterations and provisions in such manner as is provided in the said article.'

"There have been various amendments, alterations, and reservations suggested by the opponents of the present form of the covenant for the league of nations in the Senate of the United States and in the Parliaments of France and Italy, and probably there will be other such changes suggested by the legislative bodies of other countries.

"Only a few countries will probably accept the draft without suggestions of any alterations. The confusion which would

result from an attempt to consider and act upon and adopt these amendments was well described by James Madison before the convention in Virginia. To avoid this confusion it will be necessary to adopt the covenant for the league of nations just as the Constitution of the United States was adopted by the State legislatures in 1788, without any changes, amendments, or reservations, and then by resolution to enjoin upon the representatives of our country to use their best efforts to have changes made when the league of nations convenes in legislative assembly in accordance with the provisions for amendment which are contained in the covenant.

"When the first Congress convened it found there were 201 proposed amendments to the Constitution. As some of these were similar, the number of proposals requiring consideration by Congress was reduced to about 60. Out of these 12 amendments were submitted by Congress to the States, of which 10 were adopted in less than 3 years.

"The statesmanlike management by the patriots of 1788 of this difficult question affords a good example to be followed by our Senators to-day, which is to ratify the treaty and covenant for the league of nations without changes, and to instruct our representatives in the league to urge the amendments which the Senate may agree are necessary and desirable.

"THEODORE GILMAN.

"NEW YORK, July 24."

LETTER OF ARTHUR LE SUEUR.

Mr. GRONNA. Mr. President, I have here a letter which I may say is rather an unusual one, and if I may be permitted to say just a word to the Senate I will state why I am asking to have it printed in the RECORD. It is written by one of the ablest lawyers in the West—Mr. Arthur Le Sueur. At one time he was a citizen of the State which I have the honor in part to represent. He was employed as attorney for the Great Northern road. I simply mention this to show that he is a man of recognized ability. He became much interested in economic and social questions and was called socialistic, and while he has had no desire to hold office he has spent his own money and devoted his time to a study of grave economic questions. Whether we agree with Mr. Le Sueur or differ with him as to his position, it must be admitted that he is honest. I therefore wish to have his letter read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

ST. PAUL, MINN., July 25, 1919.

Hon. ASLE J. GRONNA,

Chairman Senate Committee on Agriculture, Washington, D. C.

DEAR SENATOR: I do not know whether you will remember me or not, and for the purposes of this letter it will make little difference, as I desire simply to impress upon you as earnestly as I can the necessity of action being taken to curb the monopolistic interests in the food line in this country.

I believe that the Kenyon-Anderson bill is a step in the right direction. It is not too radical, and it allows the packers to be practically the sole determining factor as to whether or not the more stringent features of the law will be put in operation at all. I do not look upon this legislation as a cure-all, but I do look upon it as forward looking and going as far as the country can afford to go in a first step of this kind. It will reduce the high cost of living, which must be reduced, and it will accomplish this by making the reduction out of the profits of middlemen and not out of prices paid to the producers of foodstuffs, which prices now in many instances do not afford a margin over cost production.

I am mingling daily with organized workers in the Northwest, and I wish to assure you that unless something is done to stop the mounting cost of living we are making a bid for the kind of revolution that is tearing Europe to pieces to-day. The common workers of this country can not stand a continued advance in the cost of living. It is not a question of their loyalty or patriotism or their good or ill will to government; it is a question of the possibility of making both ends meet.

Hundreds of thousands of workers throughout the Northwest are to-day drawing upon scanty savings to add to their daily wage in making it possible for them to live. I sincerely hope that this bill will receive your support and approval as a measure calculated to afford a little relief in the right direction.

One more proposition which seems to me of very vital interest to the people of the United States is the question of the ratification of the Versailles treaty and covenant. People are coming more and more—throughout this part of the country at least—to have an opinion on that subject. The spectacle of the President of the United States telegraphing to Cabinet members of the Governments of France and England for permission to disclose to the Senate of the United States the facts under which it is proposed to deal with the destinies of the people of the United States is not one calculated to stir the pride or respect of any real American.

Again, suppose that President Wilson and the Congress in the declaration of war had said to the American public, "Let us take the Shantung Peninsula away from Germany and give it to Japan. Let us declare war on Germany, who is fighting Russia and liberal governments the world over, so that we may have the privilege of fighting popular government in Russia—so that we may send our soldiers there, in company with France and England, to take away from Russia great slices of her territory and compel the Russian people to adopt such a government as looks good to us." Suppose that had been the basis for a declaration of war; suppose that had been stated as in part the purposes for which we should fight; suppose that had been stated as a part of the terms of the treaty to be enacted into international law after the defeat of Germany.

Suppose it had also been stated at that time by President Wilson or Congress that the terms of the treaty, the actual facts upon which it rests, should never be made known to the American people—should be hid by the President even from the United States Senate. Suppose it had been stated specifically among the 14 points that the infamous secret treaties existing between Japan, France, England, Italy, and Russia were to be indorsed and affirmed by a treaty to which the United States should be a party. Suppose all these things had been known when war was declared and made the basis for our participation in the war.

Senator, do you for one moment think that Congress would have dared declare war or that the American people would have supported a war with such aims and purposes? If there be any truth in that, then most assuredly should that treaty be rejected as not being the will of the American people.

And, further, if it is accepted and ratified, it seems to me as clear as the sunlight that it will not even cause an interlude in the wars now proceeding and will furnish the basis for a dozen new wars. It is neither honest with America or with Europe. It is a desperate attempt, if I read it aright and guess aright as to the facts behind it which are not disclosed either to you or to me—it is a last desperate attempt to bolster up a decadent aristocracy and an outworn principle of property.

It ought to be rejected, lock, stock, and barrel, and a treaty arranged for between all the civilized nations of the world, with the negotiations openly carried on by representatives of the people of these countries rather than representatives of their governments. No other method of arriving at a treaty of peace will ever be successful. All of the governments of Europe are at war with their people, and the right of governments to rule people regardless of the consent of those people is a principle that is almost done functioning in this world. The treaty is a last desperate effort to keep it alive.

I hope you will give your most earnest consideration to these problems, and feel that you will do so, and I earnestly hope you will see your way clear to arrive at conclusions that will further the best interests of the people of the world.

Very truly, yours,

ARTHUR LE SUEUR.

Mr. WILLIAMS. I came in a moment late and in the middle of the reading of the letter which has just been read from the desk. Do I understand it to be a plea for Bolshevism?

Mr. KING. Yes; I think that is right.

Mr. WILLIAMS. Has unanimous consent been given for its insertion in the Record?

Mr. GRONNA. The Senator from Mississippi was not here when I offered the letter. I hold no brief for Mr. Le Sueur, but I will say that I believe he is as good a lawyer as there is on the floor of the Senate. He has held responsible positions, and has never been looked upon, so far as I know, as a Bolshevik. It is true, as has been sometimes stated, that he is the brains back of the so-called Nonpartisan League; but, so far as I know, he has never been accused of disloyalty or of being an exponent of Bolshevism.

Mr. WILLIAMS. I caught a few lines only of the letter, but it seemed to me that the writer of the letter was undertaking to defend Russian Bolshevism and to bolster it up as a very democratic proposition, worthy of all men's commendation; and unless unanimous consent has been given for its insertion in the Record, I am not willing for the letter to go in—

Mr. SMOOT. It is in the Record now.

Mr. WILLIAMS. Especially as my good friend the Senator from North Dakota [Mr. GRONNA] states that he does not agree with it, does not father it, and does not want it inserted as a part of his remarks.

Mr. GRONNA. Mr. President, the Senator from Mississippi misunderstood me. I have asked to have the letter read, and I have stated that, whether I agreed with Mr. Le Sueur or disagreed with him, he has been and is now recognized as a student of economics and a man of exceptional ability; and that I, therefore, wanted the letter read and wanted it to appear in the Record. I assure the Senator from Mississippi that the letter will go into the Record at some time if I have to read it on the floor of the Senate myself.

Mr. WILLIAMS. Well, it has already been read now, so that it will go into the Record.

The VICE PRESIDENT. It will appear in the Record unless it shall be ordered to be stricken out.

Mr. WILLIAMS. I merely wanted to enter a protest against Bolshevik propaganda in the Senate of the United States, by whomsoever presented, from whomsoever presented, and by whomsoever written. As I understood the reading of the article, it is regular Bolshevik propaganda.

Mr. GRONNA. Mr. President, since I offered this letter, I think perhaps that statement might refer to me; so I want to assure the Senator from Mississippi that before the pending treaty has been ratified he is likely to find that some of the time of this body will be taken up in calling attention to the matters that are mentioned in this letter; and, whether it may be called Bolshevism or not by the Senator from Mississippi, it will not deter some of us from calling attention to conditions which actually exist in European countries, and which, if we adopt a proposition such as is desired to be adopted by the Senator from Mississippi and others, may exist in this country.

Mr. WILLIAMS. Mr. President, I had not even feared that I would evoke from the Senator from North Dakota a commendation or approbation for this miserable stuff. I had thought that he was merely putting it into the Record out of politeness to somebody; I had no idea that he indorsed it. In fact, I thought from his remarks that he did not, or at any rate that he was not prepared to say that he did; but, Mr. President, there is this to be said: Perhaps in Russia under the Czar, perhaps in Germany under the Kaiser, and perhaps in Turkey under the Sultan men might have been justified in carrying on a propaganda for the overturning of civilized government, for Bolshevism, for anarchy, and for almost anything else out of a blind revolutionary antagonism to autocracy, but that sort of thing does not exist in the United States—

Mr. NELSON. Mr. President—

Mr. WILLIAMS. One moment and I will yield—and there is no justification in this country of free people, where every man can vote, or at any rate presumably can vote, for the idea of the overturning of government and declaring war upon all civilization. Now I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, I wish simply to say to the Senator from Mississippi for his information that this Mr. Le Sueur, who is one of the moving spirits in the Nonpartisan League, is a rank socialist, and during the war came as near being disloyal as it was possible for any man to be and not step over the line.

Mr. WILLIAMS. Without being arrested and sent to jail, as were a great many others like him. But, Mr. President, that is not the point. The point is this: Under an autocracy or a despotism men are justified in proceeding to revolutionary methods; in America the man who advocates revolutionary methods or so-called "direct" methods or an exercise of violence in order to overthrow either the existing government or all governments ought to be either hanged or put in prison. This is not the forum where he ought to be heard, because we are a part of the lawmaking power of this country, and we believe that laws should be changed by new laws, that wrong majorities should be upset by new majorities, and that we can carry the torch of civilization for ourselves and partially for the world as a democratic torch and not as a mere revolutionary torch. The man who teaches violence in America in order to upset government, instead of teaching the use of the ballot in order to upset government, is a public enemy and deserves to be lynched.

THE MOONEY CASE.

Mr. SHERMAN. Mr. President, I send to the desk of the Secretary and ask to have printed in the Record, without reading, the reply of the district attorney of the city and county of San Francisco, Mr. C. M. Fickert, to the findings of the Federal Mediation Commission on the Mooney case.

The VICE PRESIDENT. Without objection, the matter referred to by the Senator from Illinois will be printed in the Record.

The matter referred to is as follows:

REPLY TO THE FINDINGS OF THE FEDERAL MEDIATION COMMISSION ON THE MOONEY CASE.

(By C. M. Fickert, district attorney of the city and county of San Francisco.)

"Introductory to their report to the President, the Mediation Commission state that their investigation was made 'informally and without publicity.' The informality consisted in accepting without question the unsworn statements of the attorneys and sympathizers of the defense without consulting anyone in authority in connection with the prosecution and without giving any consideration to the testimony of the prosecution's witnesses. Be it said, however, to the credit of said commission, that in the introduction to their report they have omitted to suggest that the same was either made impartially, exhaustively, or with any desire to arrive at the truth. Rather, it is suggested in their report that a desire to appease the liberal element in Russia was paramount in the minds of the commissioners. The liberal element in Russia has only heard one side of the Mooney case, viz, that of the defense.

"Beginning, therefore, with an avowed purpose of satisfying what the said commission see fit to term the 'liberal element,' but which, we believe, can more truly and appropriately be termed the 'anarchistic element,' in Russia, the one-sided report of said commission is easily explained. If reports which come to our hands from Russia are authentic, it would appear to us that that country, devastated by a foe from without and torn to pieces by anarchy and revolution within, has sufficient problems to absorb her attention without endeavoring to overturn a judgment legally and justly obtained in a democratic community under democratic institutions.

"But that the line of activities pursued by Mooney and his fellow 'Blasters' was the same as that pursued by the leading anarchists of Russia—with some of whom it is known Mooney was associated—is made patent in the threat published in the Blast, the anarchistic organ published in San Francisco by Mooney and Alexander Berkman, now serving a sentence for obstructing the draft, to assassinate the President of our country, Woodrow Wilson. From Issue VIII of the Blast, of March 4, 1916, at page 4, we quote the following:

"We don't complain; we understand Wilson's position; he must do his master's bidding. This is the 'sane policy'; but we want to warn the weathercock in the White House that it may not prove safe. Suppression of the voice of discontent leads to assassination. Vide Russia.

"Immediately after the arrest of the defendants, and before the case of Thomas J. Mooney was set for trial, he and his sympathizers stated that they could not and would not rely upon a trial in a court of justice for a vindication. And this in a court where every presumption is in favor of the defendant. Mooney asserted that his only hope of escaping a conviction was to rely upon public agitation. From correspondence it is shown that through agitation they expected to secure a one-sided investigation conducted by some partisan body that would only see and hear one side of the case.

"In furtherance of this plan, on September 25, 1916, more than three months before the trial of Mooney was commenced, Alexander Berkman, the notorious anarchist now serving a term in the Federal prison, wrote to Frank P. Walsh, chairman of the United States Industrial Relations Commission, stating:

"I have to join with the boys in jail in saying that I see no way on earth to save their lives except Frank P. Walsh.

"I hope that I am not exaggerating. You know that I did not call to you upon light consideration, and I rely upon that fact to make you believe that what I now say is not ill-considered.

"Berkman's plans are clearly set forth in a letter written by him to Anton Johannsen (Johannsen was subsequently the chief agitator for Mooney in the Eastern and Middle States). In this letter Berkman says:

"And all my experience has convinced me that in such matters the thing of chief importance is to create favorable public sentiment.

"The moral is obvious * * * public agitation to change the psychology of the people is more important in such matters than big funds.

"For all I know, they may have no cognizance at all of the things they are charged with. But guilty or innocent, a worker in the hands of the enemy is always the victim, and never guilty, in my viewpoint.

"These letters were seized at the office of the Blast, the anarchistic paper edited by Berkman before Mooney's trial.

"It is therefore evident that the anarchists in America as well as the anarchists in Russia had a hand in bringing about the investigation.

"With these facts in mind, therefore, we proceed to a consideration of the findings of said commission.

"After finding upon the undisputed fact that on July 22, 1916, a most heinous murder was committed, the commission takes up the question of the threatening letters written before the parade and arrives at this absolutely untrue and unsupported finding that the 'public authorities, however, did not deem the letters significant, and the identity of their writers has never been established.'

"The unpardonable part of this false finding is the fact that had the commission asked one single question of Capt. Duncan Matheson, who was in charge of the bomb investigation, they would have learned that in this finding there was not one vestige of truth. The fact is, as Capt. Duncan Matheson is ready to substantiate under oath, that said letters were carefully considered; that they were turned over to the United States postal authorities; that an investigation was made which showed that the said letters had been mailed somewhere between the Mooney residence and the office of the San Francisco Bulletin, a distance of about two blocks. More than that, the said letters were compared with resolutions denouncing the preparedness-parade and anticipating violence, which were drawn up by Mooney and published in the Bulletin the day prior to the parade. The same verbiage, phraseology, and sentiment found in both tend to disclose the same authorship. The commission inadvertently find that the said letters were written by an 'avowed pacifist' aimed 'against such manifestations of militarism as a preparedness parade was conceived by them to be.' The commission might further have found that said letters showed on their face that they were written by anarchists and believers in direct action. Who, then, besides Mooney, Berkman, and their followers were the anarchists, the dynamiters, and the believers in direct action in San Francisco? Taking all these circumstances together, therefore, the finding of this commission in favor of the defendants, based upon these letters, should be reversed.

"The next finding of the commission, to the effect that the police and the district attorney turned to a quarter for an explanation of this crime different from that indicated by the threatening letters, falls for the same reasons heretofore stated. In this connection it may be said that the police of San Francisco ran down hundreds of clues before fastening the crime upon Mooney.

"A reasonable analysis of the finding of the commission found in paragraph 4 will show that the same is inconsistent with itself and falls of its own weight. The said commission find that Mooney was an anarchist and a believer in direct action, but make the astounding statement that his direct action proclivities were limited to 'labor controversies.' In other words, the commission would have intelligent citizens believe that Mooney was an avowed anarchist and a believer in direct action; that he would use direct action to bring about a result in a labor dispute, but would fail to use the same course to bring about that which was uppermost in his mind, to wit, anarchy. Had the commission made any endeavor to view Thomas J. Mooney in his true light, not from what people said about him, but from writings over his own signature, all of which were available to said commission, it would have found that Thomas J. Mooney was an anarchist, first, last, and all the time; that he simply engaged in labor disputes in which he had no interest for the purpose of using violence, bringing about discontent, increasing unrest, and thereby bringing his dream of anarchy nearer to realization. Why this desire on the part of this commission to sidestep truth and split hairs, in order to protect not only a foul murderer but a traitor to his country?

"In the second paragraph of finding 4, the commission find that in the spring of 1916 'Mooney and his wife were leaders in a bitter and unsuccessful fight to organize the carmen of the United Railroads.' Compared with other strikes, however, the attempt of Mooney lacked as much the element of bitterness as it did of success. As a matter of fact, the whole thing attempted by Mooney was a fizzle and was never seriously considered by the company or by organized labor, which refused to sanction the same. To say that any of the utilities were resentful toward Mooney for his action in said strike is ludicrous. In other words, in strikes that have cost vast sums of money to fight, and in which the system of the company was tied up for weeks and the service demoralized for months, no attempt was ever made to make the leader or leaders pay the penalty. But in the weak attempt at a strike by Mooney, which died before it began, and cost the company not one cent to fight, the commission find, without a word or scintilla of evidence to justify said finding, that Mooney 'was an especial objective of their (the public utilities) opposition.' Said finding, therefore, is not only lacking in evidence to substantiate it, but is directly opposed to reason and the facts.

"An attempt is also made by the commission to eulogize Mrs. Mooney. No mention is made of her passion for violence as it is disclosed by the evidence. The following incidents will negative the finding of the commission: On July 14, when her husband and several of his followers attempted to induce the platform men of the United Railways to strike and blockade the cars at Third and Market Streets, the refusal of the carmen to leave their platforms was sufficient for Tom Mooney and the other men in the party to acknowledge defeat and they skulked away without further effort. But not so with Rena Mooney. Filled with rage and a desire to commit violence, even though deserted by her male companions, she leaped over the closed gate of a United Railway car and violently attacked the motorman, filling the air with her oaths. On the afternoon of July 22, 1916, as she viewed the civilian marchers coming up Market Street she, in a violent rage, said, 'What a beautiful mess I could make of those marchers with a machine gun!'

"The commission ignore the fact that three books on how to use dynamite were found in Mrs. Mooney's possession; that this gentle music teacher also had in her possession cartridges with steel jackets, of the same make and caliber as those found in the bodies of the victims and contained in the bomb. Neither she nor her husband had any pistol that would fit these cartridges. Her library contained almost all known books on anarchy and revolution.

"Attention is further called to the fact that in the correspondence which passed between the founders of the Blast, resulting in its establishment, Mrs. Rena Mooney was mentioned as one who would be 'on the job as she always is.'

"But the most astounding finding of the commission, based as it is upon no evidence whatever and amounting practically to nothing more than a guess, is found in the fifth paragraph, as follows:

"The utilities against which Mooney had directed his agitation or who suspected him of mischievous activities undoubtedly sought 'to get' Mooney.

"If this commission have in their possession any evidence pointing to the fact that any person or set of persons set about to fasten this crime upon any person except the perpetrator, it is their duty as citizens to divulge said fact in order that the said persons may be prosecuted. On the other hand, if they have no such evidence, the charge contained in said finding should never have been made. The commission apparently base their findings upon the fact that one Martin Swanson was employed as a detective by the district attorney to assist in the investigation of the perpetrators of the crime. Swanson had formerly been employed by a corporation to run down dynamiters who had destroyed some of its property and had accused Mooney of complicity therein, and which Mooney afterwards admitted was true. The fact remains, however, that while the commission were in San Francisco Mr. Swanson was in San Francisco and was available as a witness. He was neither interrogated by the commission nor was any statement obtained from him. This honorable commission, therefore, are such firm believers in democratic government and in democratic institutions that they would convict a man of the charges made by the commission against Swanson without giving him his day in court or an opportunity to answer any inquiry in his own behalf. In other words, as far as Thomas J. Mooney is concerned—being an anarchist, a traitor to his country, and a believer in direct action—his conviction should be set aside even after a fair and impartial trial in which every opportunity was given to make his defense, and Martin Swanson, because he has always been an honest, honorable, and upright citizen, who had served his country in 1898, against whom not one word derogatory to his character has or can be said, should be convicted without the formality of a trial or without even according him the opportunity of offering an explanation, and all this upon unsworn statements of persons interested in the defense.

"The commission proceed further to find that Swanson offered a reward to the codefendants Israel Weinberg and Warren K. Billings to implicate Mooney. No reward was ever offered by Swanson to anybody to implicate any person in any dynamiting. The reward mentioned by the commission was a reward offered by the United Railways to any person who would give information that would lead to the arrest and conviction of the person or persons who had dynamited the towers carrying the high transmission electric wires supplying the power to operate the cars of the United Railways of San Francisco. In light of the letters which were discovered after the crime of July 22, 1916, there can be no doubt in any person's mind but that Swanson, in suspecting Mooney for the tower dynamiting, was on the right track. Mooney, in his dynamiting activities in Contra Costa County, which in a letter to Mother Jones—known in anarchistic circles as an important figure as Emma Goldman, now serving a penitentiary sentence for obstructing the draft—he confesses resulted in the destruction of over \$200,000 worth of property, was assisted by Joe Brown and H. G. Hanlon. Letters will show that prior to the dynamiting of the towers on June 12 Mooney attempted to locate Hanlon and Brown in order that they might be with him in the same activities in San Francisco. Writing to his friend, R. C. Greenley, under date of April 29, 1916, concerning the strike of June 11, 1916, Mooney states:

"There are a great many other things in connection with this work that I don't care to mention in this letter, or in any other for that matter. You know me well enough to know how I think a strike should be fought and conducted in a case of this kind under these circumstances.

Mooney being a staunch believer in direct action and dynamiting to bring about his ends, it can not be doubted but that the things he did not care to mention in the letter were matters having to do with the said subjects.

"Nor can any adverse criticism justly be placed upon the public authorities for the employment of Martin Swanson. In this connection, however, it is important to note that Martin Swanson took absolutely no part in the investigation made by the police under the bomb bureau, but was solely connected with the office of the district attorney. None of the witnesses who appeared in this case were either procured by Martin Swanson or testified at his suggestion, nor did said Swanson either arrest any of the defendants or cause the arrest of said defendants.

"In paragraph 8 the commission wind up with a finding that 'following the trials of Billings and Mooney there was a change in the evidence which not only resulted in the acquittal of Mrs. Mooney and Weinberg, but also cast doubt upon the prior convictions of Billings and Mooney.'

"The details of the changes which the commission claim were made in the testimony of the witnesses for the prosecution between the Thomas J. Mooney trial and the Rena Mooney trial or the names of the witnesses who made any such alleged

changes in their testimony are not stated. The fact is that there has been no change in the testimony of any of the prosecution's witnesses. The acquittal of Mrs. Mooney and Weinberg is absolutely immaterial in determining the guilt of Mooney and Billings. Mooney and Billings were the main actors in this crime; Weinberg and Mrs. Mooney were accomplices. It is a matter of common knowledge among persons who pretend to know anything about our judicial procedure that it is vastly more difficult to establish the guilt of an accomplice by legal evidence than it is that of the principals. But that was not the only obstacle the prosecution had to meet in the Rena Mooney case. The fact that the defendant was a woman was a potent factor in bringing an exhausted and weary jury, after over 50 hours of continuous deliberation, to a verdict in favor of the defendant. Moreover, the campaign of poisoning public opinion against the prosecution begun in Russia, as stated by the commission, reached the court room, and the case was surrounded by an element of doubt, which arose not from the testimony of the witnesses produced in court but by agitation from without. When it is considered, therefore, that the defendant was a woman, that she was admittedly only an accomplice, that the prosecution had the burden of proving her guilt beyond all reasonable doubt, and that agitation in her favor was widely circulated by certain newspapers and among radicals, the verdict in her case is not even determinative of her own guilt and surely casts no discredit upon the verdicts of guilty in the former cases. It is a well-known fact that criminal cases grow weaker with age; witnesses die, witnesses are scattered, witnesses lose their memory concerning details—all these things redound to the favor of the defense.

"In the Weinberg case, the very fact that in the midst of said trial publicity was given to the fact that a commission appointed by the President of the United States was in San Francisco investigating the very charge that was being tried was sufficient to cast an element of doubt in the mind of an ordinary jury, and under our system a verdict of 'not guilty' might logically follow.

"The failure of the commission to comment upon any of the threats to commit the crime of July 22, 1916, found in the Blast is significant because it shows a deliberate intention on the part of said commission to overlook and to minimize anything that might tend to connect Mooney with the crime. The evidence connecting Mooney with the Blast is conclusive, consisting as it does of written documents the authenticity of which can not be questioned. Why so much importance to the threats found contained in the anonymous letters, the writers of which it is necessarily difficult to establish beyond question, and why such an utter disregard for the same threats found in Mooney's newspaper? The answer is obvious—a deliberate effort to protect Mooney and to avoid the truth.

"The commission also find that the testimony of Oxman was discredited and that therefore the verdict against Mooney should be likewise discredited. The commission, however, have failed to take into consideration the following facts:

"In the trial of Thomas J. Mooney practically all the witnesses who testified against Warren K. Billings were called to testify against Mooney. The only witness of any importance testifying in the Billings trial and omitted at the Mooney trial was Estelle Smith. Estelle Smith, however, was not a witness of great importance against Thomas J. Mooney, because she had never testified that she saw Thomas J. Mooney at 721 Market Street, her testimony being limited to Warren K. Billings and Rena Mooney, wife of the defendant. Therefore without the testimony of any new witnesses there was sufficient testimony before the jury in the Mooney case to warrant a verdict of guilty. Frank C. Oxman was called as a witness in the Mooney case, and his testimony is made the basis of the application for a new trial in said case.

"There were 90 witnesses called by the State, and that the jury would have convicted Mooney without Oxman's testimony is shown by the following statement made by William R. MacNevin, the foreman of the jury. This statement, made and published the night of the conviction, and before any attack was made upon Oxman, is as follows:

"The jurors felt that the structure of the evidence produced by the prosecution was so strong that they could not conscientiously follow their oaths as jurors and recommend life imprisonment. You ask me if it was the evidence of Frank C. Oxman, the chief witness of the prosecution, that convinced the jurors of the guilt of Mooney. It was not this alone. It was the whole case that convinced us. We felt that the volume of evidence introduced was overwhelming, and that we had no alternative but to agree on a verdict of guilt.

"John McDonald, the waiter, impressed us by his testimony. So did Mrs. Edeau and her daughter, the Oakland dressmaker. We felt that all these people could not be mistaken in their identification of Mooney, Mrs. Mooney, Warren K. Billings, and the man with the scraggly mustache as the persons they saw in the jitney of Israel Weinberg just before the explosion at Stuart and Market Streets. One of them might be mistaken, but all of them couldn't be.

"The attack made by the defense upon the testimony of Oxman is collateral in this, that no effort is made to show that Oxman did not witness all the matters to which he has testified nor is any attempt made to show that Oxman, in any part of his testimony in the Thomas J. Mooney case, testified falsely; but an attempt is made, by reason of the fact that Oxman wrote certain letters and by placing upon the said writing the construction contended by the defense, to show that Oxman is unworthy of belief.

"The issue as to whether the letters written by Oxman were written with an intent to suborn perjury was tried out in the case of People versus Oxman before Hon. Frank H. Dunne and prosecuted not by the district attorney of the city and county of San Francisco but by the attorney general of the State of California, against whom the defense have never made any accusations of unfriendliness. And this trial resulted in the acquittal of Oxman. In the trial of Oxman the prosecution was permitted by the trial judge to bring out every detail and circumstance which occurred not only in San Francisco but outside the State. In short, the prosecution was permitted to show every act, conversation, statement, and communication that passed between Oxman and Rigall, to whom the letters were written. The entire matter was fully and fairly presented to the jury, and Oxman was promptly acquitted by a unanimous verdict of the jury. In considering the testimony of Oxman it is important to consider that the first time that Oxman was interviewed by a representative of the public authorities he was outside the State of California, and he made a statement at said time identical with the testimony given by him in the trial of Thomas J. Mooney. At the time said statement was made the only witness that had testified concerning the defendants at Steuart and Market Streets was John McDonald, and in his testimony no mention was made of an automobile, and no other witness had ever testified that an automobile turned into Steuart from Market Street. Testimony that an automobile turned from Market into Steuart Street at the time and place mentioned by Oxman was offered in the trial of Thomas J. Mooney for the first time on rebuttal, but Superior Judge Franklin H. Griffin, who presided at the trial of Mooney, refused to permit the same, on the ground that said testimony should have been part of the case in chief.

"That a jitney bearing five people turned from Market Street into Steuart at the time and place testified to by Oxman, was corroborated by eight witnesses.

"These witnesses are: J. Walter Smith, a veteran of the Civil War, an old resident of this city, and a man of unimpeachable character. He testifies that he saw a small machine turned into Steuart Street from Market and in said machine in the rear seat was a lady and that she was motioning to some men who were standing at the corner of Steuart and Market Streets. Henry W. Doscher, a well-known business man, who was marching with the division that formed in Steuart Street, saw the machine going southerly on Steuart toward Mission. Albert Brady, a veteran of the Spanish-American War, also saw the said machine going southerly on Steuart Street toward Mission. Capt. Robert M. Bramlet, of the United States Army, also saw the small machine going southerly on Steuart Street toward Mission. Walter D. Logan, a police officer, stationed at Steuart and Market Streets, saw the said machine come southerly on Steuart and turn westerly at Mission Street. Mrs. A. L. Baldwin, Mrs. Gertrude Ellis, and Mrs. Julia Knapp, seated in the mezzanine floor of the drug store on the north side of Market Street directly opposite Steuart, saw a small machine heavily loaded with passengers swing into Steuart Street from Market.

"At the time Oxman first made his statement, it was impossible for him to have known that the witnesses just mentioned were in existence. Had Oxman been testifying to matters that he did not actually see, it would have been most natural and most probable that he would have followed the testimony of McDonald and would have corroborated the said testimony, if not in every detail, at least in its many points. The testimony of Oxman, however, shows a different phase of the transactions that occurred at Steuart and Market Streets; so much so, that the main argument of the defense in the case of Thomas J. Mooney was that the testimony of Oxman and the testimony of McDonald were irreconcilably in conflict. As a matter of fact, however, the two witnesses saw different phases of the same transactions. But the things seen by McDonald could in no way even suggest the matters testified to by Oxman.

"After the conviction of Billings, the defense produced two witnesses who afterwards admitted that they had committed deliberate perjury in order to save Billings. They were Neil McAuliffe, who afterwards testified that when he made the affidavit for a new trial in the Billings case he had been plied with

liquor by the attorneys for the defense and that everything he had sworn to was absolutely false, and Dan Donaldson, who subsequently testified that he was not in San Francisco during the time that the events set forth in his affidavit were alleged to have taken place. The defense, however, were not discouraged at the failure of their prey in the Billings case, and resorted to the same tactics upon the motion for a new trial in the case of Thomas J. Mooney. Of course, Donaldson and McAuliffe were no longer available, but one Charlotte LaPosse was produced, who took their places and swore that she was standing with Oxman on Market Street, about 1 mile from the scene of the explosion, from about half past 1 until after the explosion, and therefore it was impossible for Oxman to witness the transaction at Steuart and Market Streets. A great many details were gone into by the said Charlotte LaPosse, suggested undoubtedly by the attorneys for the defense to throw discredit upon the testimony of said Oxman.

"Notwithstanding, however, the fact that the defense upon the motion for a new trial had relied entirely upon the testimony of the said Charlotte LaPosse, the same defense subsequently caused the arrest of the said Oxman upon their representation to the judge who issued the complaint that they would endeavor to show that Oxman was not in San Francisco at the time mentioned in the affidavit of the said Charlotte W. LaPosse.

"Any report having for its object the dealing with the truth would have mentioned these matters. The mediation commission, however, discarded these facts in their report, in the same manner as they did every fact which would serve to connect Thomas J. Mooney and his associates with the awful crime of July 22, 1916.

"Considering, therefore, that the testimony of Oxman was not necessary for a conviction in the case of Thomas J. Mooney; that the attack on his testimony is purely collateral; that even the collateral attack is offset by his acquittal; that the direct attack on his testimony was a dismal failure; and that the circumstances are such that it would have been practically impossible for Oxman to have invented the narrative that he told on the stand, we submit that there is absolutely no reason why the verdict of the jury, arrived at after the most fair and impartial trial, should be disturbed.

"Since Frank C. Oxman testified in the Thomas J. Mooney case, the defense, with unlimited means at their disposal, have searched all over the United States and in every place where Oxman has lived for evidence tending to impeach his integrity, but none has been found. The witness is a well-known and successful cattle dealer, living in Oregon, and not interested in any way in matters pertaining to San Francisco. His testimony, corroborated in the manner herein set forth, would be accepted by any jury.

"The commission comment upon the fact that the prosecution failed to call Oxman in the trial of Rena Mooney and in the trial of Israel Weinberg. At the time of the Rena Mooney trial, Oxman had been held to answer on a trumped-up charge, but the trial had not taken place, and in justice to him the prosecution could not ask him to take the stand. The Weinberg case was tried after Oxman had been acquitted, again arrested, and again discharged. The prosecution asked him to be a witness in the Weinberg case, and he offered to come as a witness, asking only that the prosecution assure him that he would not be again subjected to arrest and prosecution on groundless charges as he had been in the past. The influence of the defense was so powerful, however, that the prosecution was unable to offer Oxman any assurance whatsoever, because it had no control over the activities of the defense, and no reasonable man can blame him for not again appearing as a witness.

"The commission in their conclusion moralize upon the duties we all owe to the cause of democracy. We venture to suggest in this regard, however, that democracy has no worse enemy than the man or set of men who, upon the unsworn statements of interested persons and without considering both sides of the case, undertake to set aside the verdict of two juries, which said verdicts have been sustained by the trial and appellate tribunals, in order to satisfy the demands of anarchists on a different continent whose views are entirely out of harmony with democracy as well as any other kind of organized government. Anarchy and murder will never assist the cause of democracy, nor will an effort to overturn the Constitution and laws of our country to save murderers and anarchists increase the regard for democracy entertained by honest and patriotic citizens. Even the knowledge that these things are done in response to the great and world-wide influence which anarchists are able to wield in defense of their kind will add nothing to the strength of faith in democracy.

"Making the world safe for Mooney and his ilk will not make it safer for democracy; neither will it stimulate patriotism nor inspire respect for our institutions.

"C. M. FICKEET,
"District Attorney of the City and
"County of San Francisco.

"Dated: April 9, 1918."

PREVENTION AND CURE OF TUBERCULOSIS.

Mr. PHIPPS. I present a letter covering a resolution passed by the National Tuberculosis Association protesting against the repeal of the daylight-saving law. I ask that it be read and referred to the appropriate committee.

There being no objection, the letter was read and ordered to lie on the table, as follows:

NATIONAL TUBERCULOSIS ASSOCIATION,
New York, July 23, 1919.

Hon. LAWRENCE C. PHIPPS,
Denver, Colo.

MY DEAR SIR: I beg to inform you that at a meeting of the National Tuberculosis Association held in Atlantic City, June 17, 1919, the following resolution was adopted:

"Whereas the National Tuberculosis Association has always advocated a maximum of sunlight and fresh air as a means of prevention and cure of tuberculosis; and

"Whereas the said association considers the present daylight-saving law an aid in preserving the general health of the country, and in particular a help in the prevention of tuberculosis: Be it

"Resolved That the National Tuberculosis Association views with concern the present effort to abrogate the daylight-saving law, and hereby protests against any effort that shall tend to stop the operation of that law."

Yours, respectfully,

CHARLES J. HATFIELD,
Managing Director.

GOVERNMENT OPERATION OF RAILROADS.

Mr. CALDER. Mr. President, I have a letter from Mr. A. H. Smith, president of the New York Central Lines, who was regional director of the United States Railroad Administration at New York. The letter is a splendid contribution to the question of Government operation of railroads, and I ask unanimous consent that it be inserted in the RECORD for the information of the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK CENTRAL LINES,
New York, July 17, 1919.

MY DEAR SENATOR: When I resigned as regional director of the United States Railroad Administration certain newspapers asked for a statement of my impressions of Government operation of the railroads and my views of the railroad problem generally. I have refrained from issuing such a statement, believing that it would be best to convey any ideas that I have on the subject to you and the other gentlemen who are working on the problem. Therefore, if your mind is still open with reference to the solution of the railroad situation, perhaps what I have to say may be acceptable to you.

The human element in American railroads represents 90 per cent of its effectiveness. The other small percentage of the whole would be useless without individual vision, effort, and experience. Fixed responsibility really has seemed to be impossible under Government management. It leads into such a maze of interests and interferences that the employees do not get into that state of mind that they do in private operation, and the state of mind is one of the most important parts of railroad operation. Destroy it and the effect is manifest all through the rank and file and every part of the great machine.

I know that you realize fully that it is a business that must have the individual concern of the employee—the engineer at the throttle, the fireman beside him, the conductor, the flagman, the signalman, the section foreman, and on up to the officers of the company—they all must have a fixed responsibility. Most of the work is done beyond the eye of the officers, because it spreads over a vast territory. The man at midnight and in the storm must do his duty absolutely and fully, with no one to see him and no one to direct him. He must have an incentive—not one of mere salary, but one of pride and hope that he may some time be more than he is.

It has been stated, and so far as I know never disputed, that before the war the American railroads for each dollar paid them rendered considerably greater and substantially better service than the railways of England, France, or Germany. The European railways, however, do not in any degree compare with the American railways in extent. They are short railways for the most part, with dense populations, while the American railways are spread over a vast and, in some cases, sparsely settled territory.

If we are to become what we are destined to become if we make no mistakes—a great commercial country, from a foreign as well as a domestic standpoint—we must have sufficient and efficient transportation. Those that produce it by providing the capital and labor should be properly rewarded. The manufacturers and the merchants and the public as a whole owe that to them. Ours is a country of great distances, and with that handicap we will not be able to compete successfully with those countries with shorter distances unless our transportation system is adequate and efficient. The American railways require capital properly and liberally expended to furnish more facilities and modern equipment to offset the labor and other charges which have been placed upon them. To my mind, it is important, therefore, that a fair return be allowed, so that capital will enter and provide those facilities that will give what the country must have.

Looking backward, it is a little over a year ago when the congestion was so acute that the people were willing to pay almost anything for transportation if they could have it, and such conditions should be avoided. These railroads have stood still in their expansion and development, broadly speaking, for a long time. Economy is going to come

in their expansion and refinement, and economy in rates will result, not from radically cutting wage costs, but by giving the railroads and employees a better machine to work with, more facilities, more yards and shops, and other essentials that go to make up a successful transportation instrumentality. Prewar we had approximately \$450,000,000 of equipment standing idle. Since the signing of the armistice we have seen substantially the same condition repeated. This is a situation that is inevitable and the compensation to the railroad companies must provide for the lean years which produce such a condition, for the reason that it is impossible to provide the facilities as fast as the business demands in periods of abnormal traffic.

In the matter of the return of the railroad to the corporation. My opinion is that they should be restored at an early date. It will eliminate uncertainty in the state of mind referred to previously, and the morale will improve. The Government said when the roads were taken over that they would be returned in as good condition as when they were taken. That means not only physically but as nearly as possible mentally, and the Government can not afford to do other than to keep its promise. Perhaps a law can be written that will cover all the involved questions that exist and permit settlement with the restoration. But the situation is very complicated, and it may be that the Government will find it advisable to appoint a commission or board to make the settlement after the return, in the meantime giving the benefit of private operation to the people—the present system of compensation being continued as a guaranty pending settlement—a limited time to be allowed after the return to effect the settlement and avoid protracted delays. This commission might well be made a permanent feature of our system of railroad regulation and should be composed of at least three commissioners and be charged with the responsibility of keeping informed with respect to the transportation necessities of the country generally, and to make representations to the Interstate Commerce Commission with respect to the revenues required to provide the necessary facilities and service and insure proper development of the transportation system.

The cases of the weak and the strong roads, so to speak, should be weighed out by this commission. If the road is so weak that it can not stand, it should have special treatment. If it is absolutely necessary to the needs and comfort of the people they should have some extra allowances locally or otherwise. The entire rate structure should not be thrown out of proper position because of some exceptional case any more than any other business undertaking in our country should be gauged by the exceptions. The question of rates, in which the public are most deeply concerned, because it affects the cost of living and the amount of business we may do, is a matter for study by experts. Much has already been accomplished in this direction by the Interstate Commerce Commission and those drafted into Government service, and they have shaped up a great amount of valuable information which is available to any authority that the Government might designate. Rates established as a war measure and to meet the changed conditions should be continued as presumptively reasonable. Prewar rates should not be the basis of future rate regulation. I believe that it is generally admitted that the interstate commerce law sought to regulate the railways on a basis of reasonableness and justice. The operation of that act, however, has put the burden of proof in all instances on the railroads, and that, it seems to me, is a fundamental violation of justice. As I see it, what is needed is to bring order out of the confusion of unrestrained or biased regulation and out of the confusion of conflict of regulation between the various authorities.

Briefly, the foregoing suggestions contemplate the prompt return of the railroads; the continuance of the present rates until changed and adjusted to meet the largely increased charges; the continuance of the guaranteed standard return until this is accomplished; the creation of a board or commission which will act as an administrative board, charged with the responsibility to represent the public interest in respect to the adequacy of facilities and service, and in addition to exercise the functions and powers of the present Interstate Commerce Commission, except as to accounting, valuation, rates, etc.

It is estimated that 12 per cent of the Nation's wealth is invested in the country's transportation systems. It is safe to say that 100 per cent of the public interest is involved therein. It is one of the great problems that we have before us. It is of prime importance that it be solved properly. Politics or theories have no place in its consideration; it is a business of manufacturing transportation. Good machinery should be used, together with good brains and full effort, to the end that the country and the people will continue to have what they always have had—the best transportation in the world; the greatest in volume and heretofore the least in cost.

With assurances of my high esteem, I remain,
Very truly, yours,

A. H. SMITH.

Hon. WM. M. CALDER,
United States Senate, Washington, D. C.

CLAIMS AGAINST MEXICO (S. DOC. NO. 67).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State in response to the resolution adopted by the Senate on June 19, 1919, in respect to claims against Mexico for the destruction of life and property of American citizens in that country.

WOODROW WILSON.

THE WHITE HOUSE,
July 31, 1919.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 6323. An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June

22, 1906, and September 24, 1918, was read twice by its title and referred to the Committee on the Judiciary.

H. J. Res. 150. Joint resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919, was read twice by its title and referred to the Committee on Mines and Mining.

AFFAIRS IN ARMENIA.

Mr. KING. Mr. President, the situation in Armenia is so serious that I have felt impelled to offer the resolution which has just been submitted and referred to the Committee on Foreign Relations. I sincerely hope the committee will immediately consider the resolution and report it in some form back to the Senate for approval.

The sufferings of Armenia have appealed to the civilized world for many years. Their history is written in blood and is full of tragedy and sorrow. For centuries the Armenian people have been under the tyrannous yoke of the Ottoman Empire. It seems incredible that a nation which has enjoyed diplomatic relations with civilized nations and which has been regarded as a nation with whom the great Christian peoples of the world could hold commercial and political relations would follow for centuries a policy of cruelty, bloodshed, and oppression with respect to peoples within its own territorial dominion and acknowledging its sovereignty and control. We have been compelled, however, to admit the fact that the Turkish Government deliberately sought the extermination of the Armenian race. This is not the time to enter into a discussion of the reasons which prompted the Ottoman Turks to butcher and destroy several million of brave, industrious, and progressive people who constituted such an important part of the strength of the Turkish Empire. During the recent war, while Turkey was fighting for her existence against the allied nations, she carried on her predetermined policy to destroy the Armenian people. The most savage cruelties were inflicted upon defenseless men, women, and children, and the edge of the sword was turned against these unfortunate people when it might have been used against the allied forces. I do not mean to convey the idea that Turkey did not fight with Germany and Austria and Bulgaria against the allied forces. Indeed, she gave strong support to the nations with which she was associated. It was known, of course, that the sympathies of the Armenian people were with the allied cause, and this doubtless increased the hatred of the Turks for the Armenians and intensified their purpose to destroy the entire race. It was the fervent hope of all civilized nations that with the end of the war freedom and liberty would come to Armenia; that the dark day of her sufferings and sorrows would end and the light of a bright and glorious period shine upon her devastated territory and the survivors of the horrors and persecutions of the past. I believe that each of the allied nations desired that the Armenian people should be restored to their ancient territory and should enjoy a government of their own choosing. As a matter of fact, the Armenians have erected a government of their own, democratic in form and in spirit. Suffering for so many centuries under the iron rule of an imperial and tyrannous government, they have sought the establishment of a Republic under which liberty and justice might be secured. These people, however, have been weakened by reason of the course pursued by Turkey, and as a result of the robberies and exploitation to which they have been subjected many of their cities and towns have been destroyed, extensive areas of Armenia have been laid waste, and property to the extent of millions has been destroyed. Tens of thousands of men have been murdered and hundreds of thousands of men, women, and children have been driven from their homes and have perished either at the hands of the sword or from exposure and starvation to which they have been subjected by their brutal oppressors.

In the circumstances it will be perhaps impossible for Armenia to maintain herself for a number of years to come without aid from friendly powers. She will require material aid and support in order to meet her obligations and to maintain herself as a nation in the struggle for national existence. I believe, however, that the Armenians are capable of self-government, and that their country possesses resources so rich and limitless as that within a reasonable time a government stable and strong will arise, and the support of friendly nations will not longer be required. For the present, however, the needs of Armenia are such as to call for aid from this and other nations. It would be a tragedy and an international crime if Armenia were to perish. The allied nations have not completed their work by freeing Armenia from the Turks. A duty still exists to give succor and support to this unfortunate people.

The Associated Press dispatch of yesterday portrays the dangerous situation in which the Armenians are now placed. The Turks and Tartars are moving upon them from three sides, seeking the overthrow of their Government, the seizing of their property, and the extermination of all classes. Maj. Joseph C. Green, who is directing the American relief work in Tiflis, in the northern part of Armenia, has called the attention of the world to the serious condition there prevailing. The same dispatch states that Mr. Hoover, after learning of the precarious condition of the Armenians, submitted Maj. Green's message to the peace conference, "which had already received similar reports from American and British observers."

I call particular attention to Maj. Green's message, which bears date of July 23. He states:

Had a long conference with the Armenian President to-day. The situation is worse. The Turkish Army, well prepared, and Tartars are advancing from three sides. If military protection is not afforded to Armenia immediately the disaster will be more terrible than the massacres in 1915, and the Armenian nation will be crushed, to the everlasting shame of the Allies.

Relief work is impossible in the present situation unless order is restored. Can not something be done to have the British forces in the Caucasus intervene to save Armenia?

Under date of July 25 Maj. Green also telegraphs:

The Turks and Tartars are advancing in the districts of Karabagh and Alagbez. They now occupy approximately the reopened territory of Russian Armenia. Khalil Bey, a Turkish colonel, is commanding the Azerbaijan Tartars.

Mr. Charles A. Selden, one of the very best journalists and one of the keenest observers in Europe, the correspondent of the New York Times, writes to his paper this article, which appeared in yesterday's issue of the Times:

The situation in Asia Minor, due to hostilities by Turkish troops, is admitted in Paris to be about the gravest menace now confronting the peace conference. Furthermore, it is attributed chiefly in French and American quarters to uncertainty among the Turks themselves as to what they may expect in the future, so far as a mandate government is concerned.

I shall not read the entire article, but shall ask that it be inserted in the RECORD as a part of these informal observations. I desire, however, to call attention to the concluding part of Mr. Selden's statement:

The most effective thing that could happen to put an end to the present menace of disorder which is involving the Kurds and threatening Armenian extinction would be, according to opinion in Paris, a declaration from leaders of the American Congress that they intended when the time came to authorize the American Government to take the mandates for Constantinople and Armenia.

Such a declaration would quell the fighting Turkish troops much more quickly and effectively than the allied forces now in Asia Minor seem able to do. Actual acceptance of the mandate or formal action by Congress at this moment is not essential, but merely some sign of action in the future that would convince the Turks.

If America is not to take the mandate, certain knowledge of that fact would also be far better than the present uncertainty, for with the United States definitely eliminated from the situation the European powers could at least make an attempt to agree among themselves and settle the mandate on one of their own number, thereby removing the present vagueness which gives the Turks their excuse and chief opportunity for starting a new war.

Mr. President, I do not mean to convey the idea that I am advocating that the United States should accept the mandatory of Armenia, but Mr. Selden's article is a very strong argument in favor of that policy.

Of course, until the treaty of peace shall have been ratified, it would be improper to talk of the United States becoming a mandatory of any province or territory. It may be that after such ratification there will be great opposition to our Government assuming such obligation with respect to any of the lands or territory formerly belonging to the Governments with which our Nation has been at war. I believe, however, that the American people have such an abiding interest in Armenia and sympathize so deeply with her because of past and present misfortunes that if the United States should become a mandatory for any country or territory Armenia would most strongly appeal for such protecting care. The views, however, of Mr. Selden indicate that some positive step should be taken immediately by this Government and by the Allies for the purpose of protecting Armenia. It is clear from the article referred to that if our Government should announce its determination to see that justice is done to the Armenian people, it would have a deterring effect upon the Turks and their military forces now menacing the Armenian people. I believe that if the Paris conference should adopt a strong statement demanding the withdrawal of all Turkish military forces from Armenia it would have a most salutary effect upon those forces now moving into Armenian territory.

I believe that a declaration by the Senate of the United States, expressing the hope that steps will be taken to afford protection to the Armenian people, would stay the hand of the enemies of this unhappy people. It would be, as Maj. Green

said, "an everlasting shame" if the allied nations should sit supinely by and permit the extermination of this brave and heroic people.

Mr. President, more than 1,000,000 Armenians perished at the hands of the Turks and the Germans associated with them during this war. There are, approximately, 2,000,000 Armenians still living. They reside in a vast territory extending from the Mediterranean Sea to the Black Sea. These people have no military resources. Much of the man power has been destroyed, and those remaining have been denuded of means for their defense. There are approximately 15,000 Armenians constituting the national military forces, but they are without arms or military supplies. If the Armenian people had guns and munitions and sufficient military supplies, perhaps they might be able to defend themselves against those now invading their land. But because of their impoverished condition it is manifestly impossible for them to resist military forces coming from three different directions and equipped with the modern implements of war.

The situation calls for immediate aid. This Nation and the allied nations will be guilty of a great delinquency if they fail at this juncture to protect Armenia from the peril now impending and which threatens her destruction.

The VICE PRESIDENT. The resolution introduced by the Senator from Utah will be referred to the Committee on Foreign Relations, and, without objection, the article referred to will be printed in the Record.

The article is as follows:

PARIS, July 30.

The situation in Asia Minor, due to hostilities by Turkish troops, is admitted in Paris to be about the gravest menace now confronting the peace conference. Furthermore, it is attributed chiefly in French and American quarters to uncertainty among the Turks themselves as to what they may expect in the future so far as a mandate government is concerned.

The activity of the Turkish troops under Mustapha Kaimil Pasha, who calls himself "Dictator of National Defense," would not have been started if the Turks themselves had had assurances that the United States was to govern Armenia and Constantinople. For a long time it was taken for granted in Asia Minor that such a mandate would be accepted by the United States, and in expectation of such powerful rule the Turks behaved. This certainty was based largely on what President Wilson said concerning Armenia in his Boston speech on his first return to the United States.

That speech was interpreted in Europe as showing conclusively that President Wilson himself was in favor of taking the mandate, and Europe, as well as Asia Minor, was well pleased. Since then there has been increasing uncertainty due to adverse criticism in the United States of the whole question of mandates and to the delay of Congress in indicating its future course in the matter.

That uncertainty concerning America is now supplemented by uncertainty as to what England is going to do. The leaders of the Turkish uprising are making much capital out of the insistence on the part of labor in England that British troops shall be withdrawn from Asia Minor as well as from Russia. The Turks are also fully aware of the present controversy between England and France over the limits of their respective zones in central Asia Minor as provided for in the agreement of 1916.

TURKS PROFIT BY EUROPE'S DIFFERENCES.

The net result of all this is that the Turks see a repetition of their traditional opportunity to make capital for themselves while the European Powers fail to agree among themselves on Turkish policy.

The most effective thing that could happen to put an end to the present menace of disorder which is involving the Kurds and threatening Armenian extinction would be, according to opinion in Paris, a declaration from leaders of the American Congress that they intended when the time came to authorize the American Government to take the mandates for Constantinople and Armenia.

Such a declaration would quell the fighting Turkish troops much more quickly and effectively than the allied forces now in Asia Minor seem able to do. Actual acceptance of the mandate or formal action by Congress at this moment is not essential, but merely some sign of action in the future that would convince the Turks.

If America is not to take the mandate, certain knowledge of that fact would also be far better than the present uncertainty, for with the United States definitely eliminated from the situation the European powers could at least make an attempt to agree among themselves and settle the mandate on one of their own number, thereby removing the present vagueness which gives the Turks their excuse and chief opportunity for starting a new war.

CIRCULATION OF CURRENCY.

Mr. MYERS. Mr. President, I ask that Senate resolution 142 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read Senate resolution 142, submitted by Mr. MYERS on the 29th instant, directing the Committee on Banking and Currency to investigate and report upon the advisability of a gradual reduction of the amount of money in circulation.

Mr. THOMAS. Mr. President, the object sought to be subserved by the resolution of the Senator from Montana is a very meritorious one, as are all similar resolutions or bills designed for the solution of that problem of problems confronting all classes and conditions of men—the high cost of living.

I sympathize with the purpose as keenly as any man in this Chamber, and I wish I knew of some better solution of the difficulty than that which, in the opinion of the Senator from Montana, may be effectual. There is no question but that whenever the expense involved in securing the necessities of life equals or exceeds the compensation of a large portion of society, the disturbed conditions which ensue not only disturb those immediately affected, but their reflex influence upon the social body is pernicious. They are bound sooner or later to lead to disturbance and, in many instances, to bloodshed and insurrection. We see around us evidences of the unrest and discontent which these conditions engender, and I am as conscious of the fact that extremes in cost have been reached and passed as anyone can be.

But I question very much, Mr. President, whether an inquiry such as is here sought to be secured will prove efficacious, because the amount of currency in circulation is, in some degree, an effect rather than a cause, and there is practically no possibility of a deflation within the next two or three or four years. All wars, Mr. President, result in an increase of prices, in an increase of currency circulation, and in a disturbed economic condition which continues for a long period after the war itself is over. An impetus is given to the overthrow of normal conditions, which carries beyond the cause and can not be arrested until it shall have spent its course.

The expense, for instance, consequent upon a great war not only continues to increase, not for any mathematically definite period of time, but for a considerable time after peace is restored. That is a fact that can be demonstrated by history, and I know of no exception to it.

So that what we are suffering from, in so far as causes are concerned, is an inflated political, social, economic, and financial condition engendered by the war and extending beyond it, and nothing that can be attempted, while it may mitigate existing conditions, can, in my judgment, sensibly affect them.

The Government of the United States was required upon entering this war to go into the market, not as a competitor but as a monopolist, and secure enormous quantities of almost every conceivable material. The insistence of the Government was not for what was in sight, but for everything that could be produced, and, of course, it was necessary to offer extraordinary inducements to secure increased production, and to meet the expense consequent upon Government demands the credit of the Nation had to be mobilized, which is but another method of currency expansion; and it was mobilized, as typified in every bond issue and in every contract which was made on behalf of the public for war materials.

Fortunately we had a banking system, providentially enacted only two or three years before our entrance into this war, under which, by an automatic process of mobilizing credits, the needed currency could be issued and put into the channels of circulation in exchange for these goods. The difference between this inflation and the inflations of the past is that the present one has a substantial basis, and instead of having the ordinary fiat money, such as was used during the Civil War and in other wars between other countries, we have a money based upon all those available foundations for a healthy and substantial currency that the ability and the wisdom of Congress could devise in its enactment of that law. It provides, of course, for an automatic retirement of issues to correspond with the decreased requirements of currency as those conditions inevitably arise from year to year in the transaction of business and the course of commerce. The very fact that we have had up to this time no decrease of currency circulation, and, on the other hand, no abnormal increase, because I think that is impossible under the law, indicates that so far as the currency problem is concerned conditions are as normal as abnormal times will permit.

Of course, there is no question about the fundamental truth announced by the Senator from Montana [Mr. MYERS] that the value of money decreases with its quantity when measured by purchasing power, and that a man's compensation, therefore, depends not upon the number of dollars he gets but upon the amount of material he can obtain in exchange for them; and it is the nonrecognition of that fact which is in some degree the cause of the existing unrest.

We have been raising prices and then raising salaries, then raising prices and then raising salaries, practicing the operation of a merry-go-round, in the hope that somewhere the cat would catch the end of its tail, and we propose to continue that process—and when I say we I mean the Nation at large, including the Congress—in the vain hope that somewhere there will be a check and the operation will be reversed, when the tail will chase the

head instead of the head chasing the tail. But unfortunately no one is willing to begin that process.

We are to blame, the American Congress is largely to blame for its contributions to this general condition. Ever since the war began the employees of the Government have, with every session of Congress, applied for an increase in their compensation, and we have given it to them. I have made the prediction on every such occasion that it would only result in an increase of prices, with the return to Congress for more money, and I notice this morning, Mr. President, with much satisfaction that the head of one of the organized bodies of trainmen concurs in this statement in an interview that was published yesterday, as follows:

It developed yesterday that demands for more wages were pending before the Railroad Administration from several hundred thousand employees. Perhaps the frankest talk which Government officials have heard in a long time came in this connection, in the statement of W. G. Lee, president of the trainmen, before the Wage Adjustment Board. Mr. Lee told the board that an increase in wages was not the proper solution of the present economic hardships under which workmen are laboring, because they would be followed by new increases in the cost of everything, which would more than absorb the additional pay.

MAY PRECIPITATE UPHEAVAL.

Until all classes get together to stop "profiteering," he said, the only thing for everyone to do is to get all the wages he can, a course which he declared would result eventually in precipitating the "upheaval" now feared.

Truer words were never uttered. But can all classes get together? Mr. Gompers has announced that under no circumstances shall wages be reduced. The farmers complain of high prices, but they do not desire to see any reduction in the prices of their products. The salaried man is the man who suffers principally, because, generally speaking, his income is fixed. But the organized bodies, the federations of labor, though anxious, of course, and very properly, to see a reduction in the living scale, will not consent to the consideration of a reduction in the wage scale. As a consequence I do not see that the classes can get together. But they must get together if profiteering is to stop, no matter how we may legislate.

Now, what is profiteering? A man who gets \$10 a day and gives in return for it \$5 worth of work is a profiteer. Any organized body which, for the purpose of enforcing its demands for higher pay, quits work and interferes with the normal operation of public business is a profiteer. A man who adds an unusual and improper profit to the necessities of life is a profiteer. Every man, in other words, whether he works with his hands or with his head, whether he is a laborer or trader, whether he is a farmer or a manufacturer, whether he is a cotton grower or a meat packer, is a profiteer if he insists upon getting more now than he ought to have for his product, whether that product be labor, whether it be the products of the soil, or whether it be a manufactured article, or all of them together.

We are all doing this. I am not speaking of it, Mr. President, in any complaining sense, because it is not unusual. Indeed, anything else than this would, in a time like this, be unusual.

There is another reason for it. We are at present paying into the Treasury of the United States every year \$6,000,000,000, the most enormous revenue that any country ever raised, and more than six times as much as our people were compelled to pay before the war began. It is human nature for every man who pays a tax to pass it on, and the man is not yet born who can devise a plan of taxation that will prevent that practice. I pay my tax, and if there is any way to shove it onto the shoulders of my neighbor I do it, and so does every other taxpayer in the country.

The result is that this \$6,000,000,000 is for the most part added to the cost of consumption, and consequently it is loaded upon the cost of the necessities of life. Just so long as we have high taxes, just so long will we endure, because we must endure, increased cost of living. You may have all the investigating committees on earth and inquire into every conceivable cause of the high cost of living, but so long as we are overtaxed just so long will there be an increased cost of living.

The Senator from Florida [Mr. FLETCHER] suggests the income tax. In the first place, it has been impossible for the Congress to enact a measure which prevents the saddling of the income tax on corporate securities upon the creditor. We have tried it several times. We have brought bills into this body containing that clause, and it has gone out every time in the conference committee. Incidentally there is a disposition to increase costs in order to obtain increased income, which, of course, benefits the Government if there is an increase. The income tax comes more nearly being an exception to the rule that taxes are always passed on than any other tax we have yet been able to devise, but it is far from a complete success.

The Senator speaks of the difficulties encountered by street railway companies. They have encountered a great many. It is a matter of sincere regret that they are financially embarrassed, but, to be perfectly frank, I have very much less sympathy for the municipal transportation companies than I have for many other classes now embarrassed, because during the days when these municipal transportation companies were being organized and consolidated, to use a common expression, they "milked" the public in their watered stock and their vast overissued bond capitalization far beyond their possibility, except under most extraordinary circumstances, to ultimately meet and overcome this fixed burden, and with the war and the increase in the price of materials, the demand for higher wages from all employees, they simply faced the whirlwind, having sown the wind before the war occurred. That is not to say that they should not be relieved, but it is to say that the situation which confronts that class of activities was inevitable from the good days when the spirit of speculation and the eager desire to secure everything possible through their overcapitalization was so manifest.

I do not believe, therefore, Mr. President, that the inquiry which the Senator desires is one which will result in giving us any more information than we can obtain from a consideration of the general history of inflation as an inseparable adjunct to war and the impossibility of reducing it until times become more normal than they are immediately after the war.

That brings me, Mr. President, to another consideration. Is it wise to consider deflation at this time? Are not the evils which inevitably will result from deflation as great as or greater than those which now confront us? Nearly all of the panics of the past in this country, particularly since the Civil War, have been the result of undue deflation.

Mr. FLETCHER. Mr. President—

Mr. THOMAS. In just a moment. The panic of 1873 was the direct result of the retirement of millions of greenbacks, as that of 1893 was due to the unfortunate action of the leading countries of the world in placing their monetary systems upon the basis of a single precious metal.

I now yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, I wish to suggest to the Senator this proposition, because it seems to me very logically to reach the point which he has stated so clearly: Until we arrive at normal conditions we can not expect great depreciation in the high cost of living, and the question then would be how ought we to hasten the arrival of normal conditions? Can we do that? Can the Senator suggest the means of doing it, and will deflation hasten the arrival of that time?

Mr. THOMAS. I think we can hasten it if we will. The Congress of the United States can begin by setting the example and economizing in their expenditure of the public funds, because by that means we will reduce taxation to its minimum. If Members of this Congress, as I hope may be the case, will make a sincere effort, ignoring the pressure of their local constituencies and forgetting for the present their manifold demands upon the Public Treasury, the most of which are not now necessary, I feel very sure that our good example will be imitated by the States and the municipalities and adopted in the administration of many of our public and semipublic utilities. I am very much afraid that is not going to be done.

Mr. MYERS. Mr. President—

Mr. THOMAS. I yield to the Senator from Montana.

Mr. MYERS. I wish to ask the Senator if he has any hope of Congress setting such an example?

Mr. THOMAS. No, I have not. The Republican Party wants the vote of four millions of soldiers. The Democratic Party wants the vote of four millions of soldiers. This want is an overpowering one on both political sides of the country. The public moneys are under our joint control. Consequently we are not only disposed to give the soldiers all they want, but all the Nation possesses. There is a bill now pending to pay every soldier \$360 bonus for his services, which would be a trifle of about \$1,400,000,000. There is another bill pending, I believe, to make it \$500 each, that was introduced by a politician on the other side, in all probability a little higher bid for the soldier vote, which will take only \$2,000,000,000. We propose to give them all the land they want, and I do not object to that a particle. God knows I want to see the public lands of the United States in private ownership just as soon and just as quickly as possible; but we propose practically to give every man who was in the war a very considerable sum of money, and this can be done only by taking it out of the pockets of the people. When you do that you not only extend the tendency to inflation, in a way, by increasing the amount in circulation, but you will add to the national debt, because we need \$6,000,000,000 of taxes, and about \$6,000,000,000 more to meet the

ordinary expenses of the Government for the current fiscal year. But if we are to add these enormous sums, and I repeat with all due respect to the public, for the purpose of propitiating the soldier vote, we will add most horribly to the upward tendency of prices all over; in other words, we will be contributing to instead of discouraging the upward flight of prices for all the necessities of life.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield.

Mr. KING. The Senator has invited attention to one of the very great drafts which it is proposed to make upon the Federal Treasury. I invite his attention to another one, namely, the determination upon the part of some men in public life, including some Senators, to have the States abdicate their functions and fail to discharge the duties which devolve upon them, and place the responsibility of State governments upon the Federal Government. Accordingly we have a bill here to appropriate \$100,000,000 for education; we passed a bill the other day appropriating \$200,000,000 for roads; there will be a bill here shortly proposing to appropriate \$50,000,000 for public health, and so on ad infinitum. There will be bills here aggregating more than \$1,000,000,000 a year for direct appropriation to the States to aid the States in the performance of duties and obligations which rest upon them, and which they or some politicians are trying to put upon the shoulders of the Federal Government.

Mr. THOMAS. That is true. Everybody in the country believes in getting while the getting is good, and just now it would seem as though the getting was remarkably good. My constituents want as much money out of the Treasury as possible. I do not blame them. That is the tendency of the times. The Senator's constituents want as much money out of the Treasury as possible. The Senator from Florida [Mr. FLETCHER] is in the same position. My friend the Senator from Georgia [Mr. SMITH], who is sponsor for the \$100,000,000 educational bill, has the wants of the people of Georgia to consider. There we are. What are we to do? The able statesman of the twentieth century is the man who can bring to his constituents the most money from the Public Treasury. That is the current test of ability.

Mr. SMITH of Georgia and Mr. JONES of New Mexico addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield; and if so, to whom?

Mr. THOMAS. I yield first to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I wish to make two corrections. I wish to correct the Senator from Utah [Mr. KING] and substitute the word "statesman" for "politician" as he used it.

Mr. KING. I accept the correction.

Mr. SMITH of Georgia. I wish to correct the statement of the Senator from Colorado [Mr. THOMAS] and say in the interest of the children of the entire country and not simply of my own State.

Mr. THOMAS. I did not mean that for a moment. If I said that the Senator was interested only in the children of the State of Georgia, I must make the correction myself. It is all the children in the United States who need the \$100,000,000, Mr. President. There is no question about that. I am getting letters written in propagandist style from very nearly every teacher and association in my State insisting that I must vote for the bill.

I now yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I should like to inquire of the Senator whether he agrees with the Senator from Utah [Mr. KING] and if it makes any difference whether the Federal Government incurs the expenditure with respect to the cost of living or whether the States do it. If the work is to be done by the public, either the Federal Government or the States, it will necessarily be paid for through taxation ultimately. Can it make any possible difference in the cost of living whether the Government does the work or the States do it?

Mr. THOMAS. It will simply make this difference, so far as the subject which I am discussing is concerned: It will double the cost of the education of every child in the country. One half will be paid by the States—the amount they have been paying—and the other half will be paid by Uncle Sam. But what is worse, it will foist another bureaucratic institution upon the Government, with its added swarm of employees protected by civil-service regulations, and, of course, prospective members of the national employees' union. And so we go.

Mr. President, I have spoken longer than I intended on this subject. I am profoundly convinced that we ought to do some-

thing about it if we can. I am profoundly convinced that we should make every effort to ascertain whether we can correct this terribly important condition of affairs, but I am afraid that, after all, we will have to come back to voluntary action, as suggested by Mr. Lee, who has evidently given this subject very careful attention, and see if we can not get all classes together to stop profiteering, to stop eating each other up, to stop this system, this vicious circle of a constant rise of everything to meet a constant rise of everything else.

I am sure, Mr. President, coming back to the purposes of the resolution, that this is not the time to consider the matter of deflation, which would have far more destructive consequences to social institutions and industrial conditions than our present comparatively modest inflation possibly can have.

Mr. SMOOT. Mr. President, will the Senator from Colorado yield for just a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield the floor.

Mr. SMOOT. I merely wish to ask the Senator a question. Would it not be just as well to make a statement of facts as they no doubt exist to-day and no doubt will exist for years to come? The per capita circulation of this country is about \$54.25—the largest that ever was known in this country. If we are going to finance Europe, if we are to build up all of the waste places of Europe and furnish the money for the rehabilitation of Europe, we need not expect this circulation to decrease; that is true beyond a doubt, and I think the Senator from Colorado will admit it.

Mr. THOMAS. I think so, Mr. President, and I think, in addition to that, in view of our coming responsibility, that we ought to enlarge our basis of circulation by the remonetization of silver.

Mr. SMOOT. I will say, Mr. President, that there is no other way to accomplish the task before us than by an increased circulation per capita, based upon the resources of our country. We have not any more gold than we had, and the only way we can get more circulation at all is to increase our paper money. I expect, I will say to the Senator from Montana, to see our circulation not stop at \$54.25 per capita, but if we are going to undertake to finance Europe I expect it to go higher. Some of the countries in Europe now have three times as high a circulation per capita as we; I think Germany has four or five times as much. Nobody really knows the per capita circulation there to-day. It has gone beyond any question of anyone having any interest in it, because it is, beyond all doubt, more than Germany can ever pay. Therefore nobody is taking any interest in the subject. The circulation of every country in the world has not only increased to nearly double ours, but in most of them it has increased more than double our circulation. It will be a long time before we get back to normal conditions of circulation in this country.

Mr. MYERS. Mr. President, I am glad to have had the views of the Senator from Colorado [Mr. THOMAS] and the Senator from Utah [Mr. SMOOT] on this matter. They are always illuminating. However, neither one of them offers any hope of any alleviation of the existing conditions of the day, at which the pending resolution is aimed. The only suggestion the Senator from Colorado makes is that Congress set an example of economy by reducing expenditures and economizing on appropriations, and he admits there is no hope of that. If we have to depend upon economy by Congress in its appropriations to bring down the cost of living, then I have no hope whatever of it; there is simply no hope if that is the only reliance.

We are confronted with the fact to-day that there is about double the amount of money in circulation in this country that there was five years ago, and that the cost of living is quite double what it was five years ago. The two facts are just as closely related as are the condensation of moisture and the precipitation of rain—one is cause, the other is effect. Committees of Congress, the Federal Trade Commission, and other trade bodies and committees of citizens are conducting long and laborious investigations into the causes of the high cost of living. They need not investigate for one minute, because right here in this statement to the Senate by the Secretary of the Treasury can be found the reason. I assert, and it is a fact which I do not think anybody will deny, that if we should at this time double the amount of money in circulation in this country immediately there would be a doubling of all prices in the country.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I yield with pleasure to the Senator from North Dakota.

Mr. GRONNA. To a certain extent I agree with the Senator from Montana, but we must not forget the fact that we are not trying to take care of the United States alone now, but that we are trying to the extent of our ability to help all the countries of the world. The Senator from Montana has, perhaps, seen the bill which is now pending before the Senate which is called a banking bill, but which in reality is a commercial proposition. The complaint is now that the American dollar is too high; that the American dollar is worth \$1.40 as against the money of the most stable countries in Europe; that the pound sterling has decreased from \$4.86—its intrinsic value—to \$4.26, and below that.

It seems to me that if we should make an effort to reduce the issue of American currency our money would again rise in value and there would be a further burden upon European countries. Has the Senator from Montana taken that into consideration?

Mr. MYERS. I have given it some thought, though I am not particularly informed as to the provisions of the bill to which the Senator refers.

Mr. KING. Mr. President, will the Senator from Montana yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. I yield with pleasure.

Mr. KING. Does not the Senator from North Dakota misconceive the cause which leads to the exchange being so favorable to our country and so unfavorable to foreign countries? The Italian lira, which normally sustains the ratio of about 5.26 to the dollar, is now nearly 9 to the dollar. That results from the balance of trade being so disastrously against Italy. Italy has no exports with which she can meet her obligations and her interest charges, and, therefore, of necessity, her money goes down in value when measured by the American dollar, in whose favor the balance of trade runs.

Take, for instance, Spain. The balance of trade being in favor of Spain, the American dollar there was far below Spanish money; indeed, at one time it was only worth about 56 per cent of Spanish money; so that the cause which the Senator alleges, it seems to me, is wrong. It depends entirely upon the balance of trade. Our money in many countries is cheap because the balance of trade is against this country, while in other countries it is high because the balance of trade is so great in our favor.

Mr. GRONNA. Mr. President, will the Senator from Montana yield to me to reply to the Senator from Utah?

The PRESIDING OFFICER. Does the Senator from Montana yield further to the Senator from North Dakota?

Mr. MYERS. With pleasure.

Mr. GRONNA. Mr. President, I assume that the Senator from Utah knows why the Spanish money was taken in exchange at the high prices that it was taken during the war. It was because the American banker and the people of our country "pegged" the money in New York, and when, as a matter of fact, the pound sterling was worth about 54 cents on the dollar we took it at a discount of about 2 per cent.

I say to the Senator from Utah those are facts which can not be contradicted. Spain, instead of sending her own money to New York, bought pounds sterling because she profited by it; she could buy more pounds sterling for her money than she could buy American dollars for her money, and that is why she bought them.

I agree with the Senator that the balance of trade has something to do with the conditions referred to; but during the war, when the balance of trade with Spain was \$50,000,000 in our favor, Spain never paid us a dollar in our own money, but bought foreign drafts and paid us in pounds sterling, because she could buy them cheaper. Every sensible man must know that one of the main reasons why European money is cheap is because their money is inflated. I do not wish to take the time of the Senator from Montana, but if I had the opportunity I could present tables to show the tremendous inflation of money in those countries. It is a simple proposition. If I am worth \$100 and my note is circulating through the country for a million dollars, the people who happen to know me become suspicious and are going to insist upon a liberal discount if they take my note at all.

Mr. KING. Mr. President, just a word further.

The PRESIDING OFFICER. Does the Senator from Montana yield further to the Senator from Utah?

Mr. MYERS. With pleasure.

Mr. KING. Of course the Senator from North Dakota is a sensible man, and knows very much more about some of these problems than do other Senators, and I do not pretend to match my knowledge of financial questions against the superior knowledge of the distinguished Senator from North Dakota; but the

Senator must know that the rule to which I refer is an axiomatic one. Take the South American Republics, for example. Here is our neighbor, Colombia; the American dollar there was selling for 84 cents because the balance of trade was against us. In Argentina, when the balance of trade was against us, the American dollar was selling at from 74 to 90 cents. It is simply a question of the balance of trade. In Spain we were buying millions and tens of millions of dollars of her products for the American Expeditionary Forces; we bought tens of thousands of head of horses and products of which she had a surplus; so the balance of trade ran in her favor; and in order to pay her we bought exchange when our money was worth there, as I have stated, very much less than it was at home. The balance of trade was so great that the American dollar in Spain was only worth about 50 cents.

Mr. MYERS. Mr. President, so far as the money of Germany is concerned, Germany has a greatly inflated currency; there is no doubt about that. Much of its currency is fiat currency, and I do not think we ought to measure the worth of our money against money of that kind.

So far as the United States being obligated to take care of all the world, as has been stated by some Senators, is concerned, I think the United States ought to pay some regard to the welfare of its own people; that they should come first. I am not in favor of taking care of the obligations of the world, to the absolute detriment of millions of people in this country who are suffering because of the abnormally high cost of living.

To my mind this is a simple mathematical proposition. There is, roundly speaking, double the amount of money in circulation in this country that there was five years ago. Our resources are not double what they were then, but the cost of living is. The cost of living will not decline until there is a reduction of the volume of money. If it takes now \$20 to buy a good, substantial, serviceable pair of shoes—and I am told it takes that much to buy some shoes of the better grade—no man can buy that pair of shoes for \$10 so long as there is the present amount of money in circulation. No one will be able to buy that pair of shoes for \$10 until there is only one-half the amount of money in circulation in this country that there is to-day. We may have investigations by Congress, by the Federal Trade Commission, and by associations of citizens; we may hunt for causes and descent upon results until the end of time; but we are not going to have any substantial reduction in the cost of living in this country until there is some contraction in the amount of money in circulation.

That is a law of finance that is as sure as a mathematical calculation. There are more strikes and threatened strikes, there is more unrest, there are more industrial disturbances, in this country to-day than there have been at any time in the last 25 years. Undoubtedly that is true, and nearly all of it comes from the high cost of living.

It has been very plainly indicated in the last few days by one of the high officials of one of the brotherhoods of railway workers that unless, by the 1st of October, there is an increase of the wages of railroad employees or a reduction in the cost of living there will be a nation-wide railroad strike. Is Congress going to do nothing in the face of this? Does Congress want that state of affairs to continue in this country? It was all right to have an extraordinary volume of money in circulation in time of war. It was necessary. We had to have it to win the war, and it was one of the workings of the flexible currency law which we have in existence in this country, but is there any necessity for that state of affairs to continue indefinitely and permanently in time of peace, together with its attendant strikes, industrial and labor troubles, high wages, high cost of living, endless chains of rising prices, eddies by the hundreds of increasing wages and increasing cost of living, and prices of products going up interminably? Are we going to view calmly that state of affairs, without any effort to find or bring about a remedy or a betterment of conditions, simply because we want to discharge the obligations of all the world and carry all the world on our shoulders? It is absolutely inevitable that if the amount of money in circulation in this country to-morrow were half what it is to-day the cost of everything would be half what it is to-day.

I do not know that it would be advisable, for a number of years, to bring the amount of money in circulation down to one-half of what it is now. It may never be advisable, and if any contraction at all is to be had it ought to be had gradually and along natural lines in accordance with sound laws of finance. I do not think there ought to be any sudden contraction. Perhaps there ought not to be any contraction at all for a while, but there is bound to be some before we ever can get a reduction of the cost of living. It is only a question of when.

Mr. KING. Mr. President, will the Senator yield?

Mr. MYERS. I yield.

Mr. KING. The Senator appreciates, does he not, that the prices of commodities and of labor depend not alone upon the volume of money in circulation in a community or in a country, but depend also in part upon the volume of credit that exists—if I may be permitted to use the word "volume"—in a community?

We have now billions of dollars of governmental securities issued. These consist of short-time obligations and of bonds running over a period of 40 years, as I recall. Does not the Senator think that so long as there is such an enormous base for credit—and that base exists so long as those governmental obligations are in existence—there will be a high volume of credit, and that will tend to the maintenance of high prices, regardless of the volume of currency in circulation?

Mr. MYERS. It has some tendency that way, but I do not think it is as determinative as the amount of money in circulation. The billions of dollars of bonds that have been issued by the Federal Government and by State and municipal governments and by private institutions simply, in effect, add that much to the amount of money in circulation. They are virtually money. They are supposed to be as good as money and pass as money; so the amount of money in circulation is really far greater than the amount of currency in circulation. We are living in an age of extravagance and speculation, in a fictitious age; and the extraordinary amount of money in circulation, the unusual amount of bonds that have been issued, the amount of the country's credits tend to extravagance, speculation, and fictitious values. Negroes in Washington, and some others, enjoying sudden prosperity, are riding in automobiles and wearing fine clothes, while lots of people are unable to afford the necessities of life on account of high prices of labor and products. It is an abnormal condition of affairs, but it is becoming worse and worse. There is a constantly increasing tendency to increase wages and, along with it, to increase the cost of everything that labor has to buy as well as all it produces.

I think the country is confronted with a condition of which Congress should take cognizance. It is confronted, among other things, with a very plain statement that unless there is a reduction of the cost of living or an increase of the wages of railroad workers by the 1st of October there is likely to be a Nation-wide railroad strike, such a strike as would paralyze the business of this country and bring on a panic worse in its nature and effect than any other this country has ever endured.

As to all classes getting together, as has been suggested by the Senator from Colorado [Mr. THOMAS], I do not believe that all classes will get together. It is an impossible thing. It is something that never has been accomplished except in the face of threatened destruction—destruction of one's country and of the security which it gives to the people. When a nation is attacked in war, when its life is at stake, nearly all of the people get together; but nothing short of that dire emergency will cause all of the people to get together. Everyone is too much for himself for that to occur in time of peace.

I do not know what ought to be done in the way of financial legislation, if anything; but we have a committee of this body which is supposed to be authority on those things, and I believe the conditions that have been discussed here to-day ought to be referred to that committee. Certainly no harm could come from it. It would certainly show that the Senate is interested in this all-absorbing and all-threatening subject, which is pressing right now at the doors of the Nation, with impending peril almost as great as that of the war from which we have just emerged.

Mr. JOHNSON of South Dakota. Mr. President—

The PRESIDING OFFICER (Mr. DIAL in the chair). Does the Senator from Montana yield to the Senator from South Dakota?

Mr. MYERS. I yield, with pleasure, to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. I should like to ask the Senator from Montana one question. If decreasing the amount of currency in circulation would tend to lower the cost of all of the necessities we have to buy, would it not also decrease the value of all property? What is the Senator's idea on that subject?

Mr. MYERS. It would, undoubtedly; yes. It would bring down the cost of everything proportionately; but it seems to me that unless we in some way better the condition of which there is universal complaint, we are liable to have a panic brought on in this country by a nation-wide cessation of industry, by nation-wide strikes which would destroy property values; and that, it appears to me, is about the only way in which a panic can be brought about in these days. Our banking and currency law is said to be a flexible law. It certainly is flexible so far as making provision for increasing the amount of money in cir-

culation is concerned; but its flexibility does not seem to work so well when the emergency is over, when it comes to withdrawing from circulation some of the money issued for emergency purposes. In fact, the ordinary panic from ordinary causes, as we have heretofore known it, I think is beyond the possibility of occurrence under the present banking and currency law. We have provided a banking and currency law by which, whenever there is a shortage of money in any line of industry, it may be supplied if that line of industry has any security to offer. It is the boast of those who framed the present banking and currency law that under it a panic is impossible. Ordinarily when there is an era of inflation, speculation, fictitious values, extravagance, natural laws provide a remedy by bringing on a panic.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator whether his resolution contemplates that the Committee on Banking and Currency shall take up this matter and have hearings?

Mr. MYERS. Oh, no; not at all.

Mr. HITCHCOCK. It merely seeks an expression of opinion of the Committee on Banking and Currency?

Mr. MYERS. An expression of opinion; yes, sir. I am opposed to hearings, as a rule. Nine-tenths of the hearings that are conducted by Congress, I think, do no good. But it seems to me that the banking and currency law needs some amendment by which the withdrawal of emergency currency may be more easily brought about. It seems to me that the banking and currency law is defective in that respect. Certainly, when in time of war or some other great emergency, great quantities of emergency currency are issued, to tide the country over temporary difficulties, there ought to be some way, after the passing of the emergency, of retiring some of the emergency currency. The country does not need as much money in peace as in war. What is only enough in time of war may be too much in time of peace, and when there is too much money in circulation it breeds extravagance, reckless living, extortionate prices, abnormally high cost of living.

As I was saying, under the present banking and currency law I think such a panic as this country had in 1873 is impossible. The usual and ordinary result of such an era of inflation, extravagance, and speculation as we have been going through is a panic. The laws of finance supply it, just as the laws of nature bring about relief when a superheated condition of the atmosphere arises; the overheated atmosphere goes upward and creates a vacuum, and there is an inrush of cold air, bringing about thunderstorms, lightning, and showers. I think, however, that the present banking and currency law has in a measure committed an abortion on the laws of finance, in that natural laws are unable now to bring a setback to extravagance, speculation, inflation, and fictitious values. We can keep on going in that reckless course, apparently, to the end of time. But there is one way in which a panic can be brought about, and that is if the laboring men of the country in any line of industry or all lines of industry—say the railroad workers, for instance—unanimously resolve on a nation-wide strike on account of the high cost of living. That would bring about a panic, and the worst panic this country has ever had, and it is to-day actually threatened.

I have now no remedy to offer. This resolution does not initiate any legislation. It does not commit the Senate to any legislation. It simply refers the all-absorbing and vital question of the day to one of the committees of this body, not necessarily for hearings, but merely for a report from that committee as to whether or not it thinks any further financial legislation at this time would be advisable, and if the committee makes a report it will be only advisory; it will be in no wise binding upon the Senate. I, for one, would like to have the opinion of that committee on these matters. I think it would have some value, and surely the Senate is not going to put itself on record as not desiring an opinion from one of its committees, the committee which handles these matters, in this day of threatened trouble, when everybody is clamoring for relief of some kind.

I submit that the resolution should be adopted. It can do no harm. It may shed some light on a subject that is agitating the country and we want all the light we can get. The country wants all the light it can get, and I submit that the resolution for that reason should be adopted without objection.

Mr. KING. Mr. President, one observation submitted by the able Senator from Montana [Mr. MYERS] prompts me to say just a word. As I understood the Senator, replying to a suggestion made by the Senator from Colorado [Mr. THOMAS], his position is that the various forces in the United States, the forces of labor and the so-called forces of capital, can not get together and that concord or any harmonious arrangement that might

make for pacific conditions and tend to avert strikes and financial or other difficulties is impossible.

Mr. MYERS. I meant to bring about a reduction of the cost of living more particularly. That is what I had in mind.

Mr. KING. With the qualification which the Senator has just made, I still desire to submit an observation by way of reply thereto.

Mr. President, I do not quite agree with the position taken by the able Senator from Montana, even though the position be as indicated by the qualification just stated by him. During the war, when there was a test of the loyalty and patriotism of the American people, I think every American was gratified at the attitude of all classes of our people.

Mr. MYERS. If the Senator will permit me, I made an exception of war. I said that a time of war was an exception.

Mr. KING. I appreciate what the Senator now says, but my contention is that the attitude of the American people then was only a manifestation of their true sentiments and feelings and that there has been no material change in their position since the termination of the war.

The war through which we have passed merely illustrated the deep devotion of the great mass of the American people to their Government and to our institutional life. It is true it revealed here and there a few festering spots and sordid influences. It also gave evidence of the fact that we had perhaps been too liberal in our immigration laws and there had come to our shores too many who were not in sympathy with our Government and who had no purpose to become identified with the American people. They came as aliens and remained aliens. But, speaking generally, the American people exhibited a love for their country, a devotion to the letter and spirit of our Constitution, that argues well for the perpetuity of the Republic.

I sometimes think we have used the words "laboring man" and "capitalist" rather loosely in this country. Most of the American people are laborers. Substantially all of the so-called capitalists of our country a few years ago touched elbows with men in the field and on the farm and in the shop or mine or in other industrial and manual pursuits. Our institutions—our form of government—permit the poor boy of to-day to become the capitalist of the morrow, and many of the manufacturing institutions and plants of our country have been builded by those who have toiled with their hands and have earned their bread in the "sweat of their brow."

But labor, as the term is usually employed, during the war loyally supported our Nation and the allied cause and contributed materially to the great victory which was won. The farmer and employee in the mine and in the factory—indeed, the American people everywhere—industriously labored to produce the things required on land and on sea by the military and naval forces of the United States as well as by the civilian population everywhere. The man of wealth, the banker and the capitalist, the man of moderate means as well as the poor man, all liberally contributed of their means to meet taxes and to purchase Government bonds and securities in order that the credit of our Nation might be maintained and the sinews of war supplied. No people ever exhibited a greater spirit of fidelity to their country than did the American people. No people were truer to the ideals of a progressive, democratic, Christian nation than were the people of the United States. The spirit exhibited by the people demonstrated that they are one in thought and in spirit. The spirit of patriotism and devotion to the cause of righteousness and justice is not the product of a moment, it is not spontaneously generated. It is in part the inheritance of the past and in part the product of right thinking and right living and of the educational processes past and present.

Devotion and patriotism and love of country, manifested in an hour of peril, are merely the fruits, the symptoms, of conditions that have prevailed for an indefinite period. A patriotic people devoted to their country and its cause give daily evidence of the same. Of course, this patriotic fervor manifests itself more acutely and the spirit of patriotism burns more brightly when the life of the Nation is endangered by a powerful foe. I am merely attempting to convey the idea that there is a spirit of unity and solidarity among the American people; that there is not that class warfare, that irrepressible conflict that rends asunder the social and economic structure, which the enemies of government and orderly progress declare. At bottom the great mass of the American people are united in thought and in purpose. They have the same ideals, the same hopes and aspirations. They are working to the same common end. They believe in this Nation, in its great mission, and in its divinely appointed task to hold aloft the torch of liberty and justice, and to aid in the enlightenment of humanity and in the guidance of the world. They are seeking the establishment of justice and

the orderly and progressive development of this Nation as well as of all nations. In their desire to aid humanity they are not blind to their higher allegiance to this Republic. To them the Stars and Stripes symbolize freedom and justice, and they regard this Nation as the greatest the world has ever seen. In war and in peace this flag is the sacred banner under which the democratic forces of this Republic will work out the mighty problems which a virile and puissant people in a world of conflicting currents will be required to meet.

Post-war periods always have developed problems serious and difficult of solution. Some peoples have been incapable of meeting them, and their struggles have proven abortive and they and their governments have gone down in ruin. But the people of this Republic, nurtured in the principles of self-government, will, in my opinion, prove competent to meet the problems of this hour, serious and menacing though they may be. This is a time for hope, for courage, for faith, and for sanity. This is not an hour for pessimism, for despair, for distrust of the institutions of our Nation and the government of Washington and Jefferson and Lincoln and Wilson. The temple of liberty, the great national superstructure erected by the fathers, will not be destroyed by any iconoclasts abroad in the world to-day. Other nations may be rocked to their foundations. Peoples not schooled in the principles of liberty and not possessed of the ideals of those who read the mission of this great Republic may be unable to meet the advancing tides of revolution and destruction and may be overwhelmed by their destructive force.

And yet, after storms that are beating in many parts of the world to-day, and threatening peoples and nations with ruin and destruction, have passed by, tranquillity and order will come; newer and better forms of government will arise in other lands and a brighter day will dawn for the people, promising liberty and justice to the world. When I behold the disruptive forces and the conflagrations manifesting themselves in various parts of the world I am reminded of the statement of Lowell, which was, in substance, that when he saw the fires and revolutions in the world he took comfort in the thought that the universe was fireproof or Providence would not have permitted us to play with matches.

Mr. President, there are, of course, dangers and problems wherever you find a virile, puissant, and progressive people. A stagnant, decadent people have no problems. The man without ambition or purpose, who lives in a horrible state of monotony and is mentally moribund, has no problems. He ceases to function as a human being and is no longer a vital force in the world. But wherever there is life and energy there will be motion, and motion involves more or less a disturbance of existing and pre-existing conditions. This alone develops problems, produces conditions fraught with greater or less danger, and a situation calling for wisdom and patriotic rational thought.

It is not vanity that prompts us to believe that ours is the greatest nation in the world and that it has more to do with the immediate and future development and progress of the world than any other nation. We sincerely believe it to be the great moral leader among the nations and that it has been the liberalizing force operating against the crystallized principles of medieval oppression. Its great resources have made it the financial bulwark in this period of stress and international bankruptcy. True Americans, therefore, insist that it must be the standard bearer in the movement which seeks the stabilization of the world and the attainment of that position where the progressive and moral forces of the world may operate for the welfare and happiness of humanity.

Our problems are not only domestic, but whether we will or not, we have many that are world-wide in their extent. Our commercial relations with the world create international problems. The bankrupt condition of the peoples with whom we must trade and to whom our surplus products must be sent compel the consideration of questions that go to the heart of our economic system.

Mr. President, the conditions referred to by the Senator from Montana and others who have spoken are only such as are to be expected after the world conflagration through which we have just passed. An era of high prices usually follows wars, particularly where inflation has been as extensive as that which has occurred during the past five years. It would be impossible for billions of dollars of currency to be placed in circulation and billions of dollars of credits mobilized and put into operation without there being an enormous advance in not only the prices of commodities but of all forms of property. Such a situation results in cheap money and higher commodity prices. Inevitably there will follow high wages and high prices of all property, real and personal, and particularly the articles essential for consumption. All statesmen and persons who have familiarized themselves with history and with world conditions

expected as an aftermath of the war very serious industrial and economic conditions, and anticipated that crises, perhaps political and certainly economic, would exist in many countries. We need not expect that our Nation will be free from the influences of the war, and that it will escape dangers and difficulties which are necessary concomitants to the transition period from war to the tranquil days of peace. But the American people will meet the problems and dangers and difficulties with courage, with confidence, and with the knowledge that they will successfully solve them. Our form of government will not be changed nor this Republic destroyed. There is no fertile soil in this country for Bolshevism and communism or the anarchy which may find expression in some other lands. The American people at heart are sound and sane, loyal to the principles underlying this Republic, and are guided by the inspiration that has led the Christian people who gave us this Nation and who have preserved it for us and for those who shall come after us. No radical revolutionary minority will destroy majority rule or convert this Republic into a Bolshevik dictatorship.

Unquestionably the war and the conditions now existing in the world have produced in the world a large number of people who seek the destruction of all organized government, and who would precipitate the entire world into a deadly class conflict.

The Bolsheviks of Russia have established a brutal, oppressive, and bloody dictatorship. The people of Russia do not rule; indeed the Bolshevik creed as expounded by Lenin and Trotsky forbids majority rule. Bolshevism is no democracy; it is not the rule of the people. It is not the expression of liberty or freedom or justice or orderly growth or evolutionary development or true and genuine progress. The class warfare is the most cruel and destructive of all warfare. This is shown in the destructive and barbarous control by the Bolsheviks of certain portions of Russia where Bolshevism is sustained, in part, by alien troops. It is not to be expected that this country would be entirely free from these revolutionary influences which have worked so disastrously in Russia, and which are seeking the overthrow of all governments of Europe. Unfortunately there are in our midst a few communists, Bolsheviks, revolutionists, men who are disloyal to our Government, and who would overthrow it as they would also destroy all government. They are seeking to poison the minds of the American people, to breed discontent and distrust among the laborers of the land, and to light the fires of revolution in this Republic. They are promoting strikes, inciting riots, and availing themselves of every possible means to prevent the restoration of normal conditions and the orderly growth and progress of the economic and political life of the people. These influences speak through a few wicked and disloyal newspapers. It is my opinion, however, that these newspapers will find but few sympathetic readers in the United States. The efforts to spread discontent and sedition and to array class against class and to destroy the faith of the American people in this Republic and in the orderly processes which underlie civilization will prove abortive. The true, the genuine laboring man of this country is not a Bolshevik, he is not an enemy to his country, he sees the sophistry, the lies, and the subtle intrigue of the sinister figures throughout the land. He is able to unmask their hypocrisy and to understand that instead of being the friends of labor and of progress and civilization they are the foes, the deadly and diabolical foes, of everything that is good and noble and just and righteous in this land and throughout the world.

Mr. President, this hour calls for genuine patriotic service upon the part of the American people. I say patriotic service because patriotism manifests itself as much in peace as in war. It calls for devotion to country and to flag in hours of peace as well as when foes seek to pollute our land. We need never fear the military aggressions of any foreign foe. Any dangers that this Nation encounters will be of a domestic character—will be from within, not from without. While it is true nations have been destroyed by superior military powers, I think history proves that more nations have died from self-inflicted wounds. There is national sabotage and national suicide as well as destruction from international foes.

But I firmly believe that the men who toil and the men who own the factories and the great industrial plants of our country—indeed, that all classes, rich and poor, capitalist and laborer—will patriotically join hands for the purpose of solving the industrial and economic problems now before the American people and the world. I believe that labor will bring to the conference of the Nation a spirit of justice and fairness that will make more easy the solution of the problem, and I believe that capital will sit down with labor, and together a course will be mapped out that will make for industrial peace and tranquillity and for the development of the political ideals of the

American people. Labor must not only have a living wage but a fair and generous wage. Its living conditions must not only be tolerable but such as comport with what a free and producing people should enjoy. It must be admitted that in the past there has been too often a disregard of the rights of labor. There has been too much selfishness upon the part of the employer. It must not be forgotten that we are indissolubly bound together and that whatever contributes to the benefit of one proves advantageous to all, and whatever hurts the one injures the many.

This is a time for forbearance and patience. During this period the spirit of justice and fair dealing should dominate all. Of course human nature will manifest itself and there will be among all classes some who try to overreach and seek to profit by the misfortunes and at the expense of others; but I can not help but believe that the spirit evinced by the American people during the war is still the controlling note in their business relations and in all of their activities. Sacrifice was the triumphant note of the war. It will be the controlling note in this period of readjustment. There must be no jealousies and class distinctions and class warfare, but as the war brought all Americans together so that all touched shoulders and rubbed elbows and drank from the same fountain of inspiration, so now, when dangers threaten the Republic, the same spirit must be controlling and dominate the activities of the people. I therefore reply to the distinguished Senator from Montana that, in my opinion, the American people will get together. There will be a concerted effort to solve the questions confronting this Republic. Laborers' rights will be recognized and the rights of property will be protected. There will be, I believe, a larger consecration of the people to the service of humanity. There will be an insistent demand that justice shall be enjoyed by the humblest and that the sacrifices of the war shall result in enriching the lives not only of the peoples of this land but of every land. This is no time for alarm or for hysterical legislation or untried experiments. The lamp of experience sheds its light along our pathway. We need not stumble or fall. Heeding the lessons of the past and following the light that God gives for the guidance of humanity, the future of this Nation will be secure. The mountain before us may be scaled; the people of this great Republic see the heights ahead, and with courage and faith in their destiny, and devotion to the principles of liberty and justice, they will steadfastly march to their goal.

Mr. KIRBY. Mr. President, I have listened to the discussion here with some interest, and I want to say just a few words.

Mr. MYERS. Mr. President, I ask unanimous consent that the pending resolution go over until to-morrow without prejudice; otherwise it will go on the calendar at 2 o'clock. I shall, however, be very glad to hear what the Senator from Arkansas has to say.

The PRESIDING OFFICER. Without objection, it is so ordered, and the resolution will go over without prejudice.

Mr. KIRBY. The time has come, it seems to me, when something besides talking about it should be done to reduce the high cost of living. We talk about the American people rising to this emergency and the problem being satisfactorily solved. Some say we have faith that this will be done, but it is about time this faith should be accompanied by something else. In the Scripture it is said, "Faith, if it hath not works, is dead, being alone." We have had a lot of faith expressed here, but nothing has been done by the Government or Congress in this condition to relieve it, and something ought to be done. This resolution has been suggested, and it is thought by its author that it might result beneficially along that line. I am going to say just one or two things about the matter. First I quote from a message of a President of the long ago. After congratulating our country upon the conditions existing he said:

With all these blessings—

After recounting them—

what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens—a wise and frugal Government which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicity.

What is the condition to-day? There is unrest and discontent, exorbitant charges and outrageous exactions complained of everywhere in the United States of America.

What is the condition in commerce? The clothiers met the other day in New York City and announced that we would better buy our clothing now, since it would be 100 per cent higher this fall. The shoe manufacturers and dealers met recently and said in effect to the people, "You may as well buy your shoes at the present prices, because shoes are going to advance in price, and may be \$30 a pair in the coming autumn."

Why should not a reduction instead of an advance in the price of both shoes and clothing be realized? The 246,000,000 pounds of wool taken by the Government for Army supplies for 1919 has been released for civilian use and in addition there was the 15,000,000 pounds allocated for commercial purposes. The war is over. There is now no need for the enormous blanket and clothing supply for the Army, nor for the purchase of 20,000,000 pairs of shoes yearly for the men. The people are demanding a reduction in price of the necessities of life. The conditions warrant its being made, and they are entitled to have it done.

The PRESIDING OFFICER. The Senator from Arkansas will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3854) for the repeal of the daylight-saving law.

Mr. KIRBY. The Department of Labor in its last bulletin has stated:

The price of food for the United States shows an increase of 4 per cent for April, 1919, as compared with March, 1919.

Food prices are increasing 4 per cent a month with the war over. And further—

* * * In April, 1919, the cost of all articles of food combined was 18 per cent more than in April, 1918.

The cost of food in this country in April this year, six months after the armistice was signed, was 18 per cent higher than it was when war was flagrant, when everybody was drawing to the limit on his means to buy Liberty bonds and we had 4,000,000 men in the Army to maintain. That is the condition which now confronts this country and we must take steps for relief against it.

Mr. KING. Mr. President, will the Senator yield?

Mr. KIRBY. I yield.

Mr. KING. I ask for information only, not for the purpose of diverting the Senator. I saw in a paper two or three days ago that the farmers were receiving 23 cents a pound for hogs on foot, a very high price for their corn, and that they were charging very high prices for their vegetables and all farm produce. Does the Senator think that the farmers were profiteering and are profiteering in the charges they are making for their products?

Mr. KIRBY. The farmers are only meeting the situation which has been forced upon them and everybody else by the condition existing in the country, the necessities of the case.

I think the Government is largely to blame for this condition, and I am going to tell you where and why. We have vast stores of supplies that we purchased for the Army that have not been used. They have not been sold at a discount, they have not been put on the market at 25 to 40 per cent less than they cost, so the people could have had the benefit of them at the reduced prices. The Government must lose in any event. War is the most wasteful of all human activities, and it might have taken its loss along that line and have remedied living conditions. But what did the Government do? While the war was being waged the Government had to take advantage in its preparations of the best intellect and business ability from all over this country in order to procure and increase the manufacture of munitions and supplies that had to be provided. It called all the best business men in the country and encouraged them to combine and to allow high prices that would stimulate all those activities. That was done while the war was on. From that same practice permitted by the Government in a time of direst need they have still remembered the art of combination to increase prices, and are still keeping up the prices and putting them higher and higher. The Government approved the practice in the first instance, and the Government now is encouraging it, and how?

The Government said, before the war was over, we will fix the price of wheat at \$2.26 a bushel. After the war was over and before more than one-fourth of the wheat crop was planted, what was done? The Congress passed the wheat guaranty price bill, providing that the Government would pay \$2.26 a bushel, the guaranteed price, and an appropriation was made for that purpose. That necessarily keeps the price of wheat at \$2.26. I offered an amendment to that bill at the time—

Mr. GRONNA. Mr. President, I want to inform the Senator that wheat is selling in Minneapolis to-day at \$3.05 a bushel.

Mr. KIRBY. I will state to the Senator that I introduced an amendment at that time which provided that it should be unlawful for the governmental agencies to manipulate the market and cause wheat and wheat products to sell for more than the price would have been if no such regulation had been provided and no such price guaranteed; in other words, if under the usual law of supply and demand wheat would have gone to \$1 or \$1.25 a bushel, then the Government should not

have manipulated the market to make the consumer pay \$2.26 in order to give the producer the other \$1.26. If the Government thought it was necessary under the conditions to pay the fixed price, it ought to have paid the bonus out of the Treasury. That amendment was defeated and the bill passed, and that has been done by the Congress. Those supplies are still stored and have not been sold. There are automobiles all over the country which are not being sold—and why? Because it is feared evidently that the manufacturers would not be able, if they were put on the market at a reduced price, to get the prices they are demanding for the new product. There is no other reason on earth that can be advanced.

Let us go a little further. Let us consider the price of steel. The Government fixed the price of steel during the war emergency. After the war was over and the people had a right to expect a readjustment under new conditions, the governmental agency here in Washington fixed the price of steel and set it so high that the Director General of Railroads refused to pay it, stating it was an outrage and that he would not buy steel for the railroads at such a price, but he finally had to buy at the outrageous and exorbitant price, as he believed, because the governmental agency that was supposed to be here operating for the benefit of the people of these United States had fixed the price. That is another thing. If this price of steel should be reduced to where it ought to be—and, Mr. President, in talking about this matter, I have rather criticized others, because we all talk about saving the country and redeeming the situation and relieving it, without any suggestion as to what should really be done.

We fixed the price of certain things while the war was going on, and if conditions do not improve, in my judgment, the Government of the United States must fix the price of products that are sold. I am going to offer a resolution, when it is in order, but I am going to read it now:

Resolved, That the Senate Judiciary Committee be, and it is hereby, instructed to report whether it is practicable, and if so, to report a bill providing adequately for the fixing of maximum sale prices of not less than 25 per cent less than the prevailing market price on all articles, products, and commodities transported in interstate commerce, with a view to a reduction in the high cost of living.

I am going to offer that resolution and have it submitted to the Committee on the Judiciary, composed of lawyers of the Senate, to get the benefit of their combined wisdom upon the legality of the proposition. So far as I am concerned, I am satisfied that it is feasible. I know the Government has the power to do it, and certainly the necessity exists.

Mr. KING. Mr. President, will the Senator yield?

Mr. KIRBY. Certainly.

Mr. KING. Does not the Senator know that from the days of antiquity very wise men in nearly all governments, in times of crises, have risen up and insisted upon the fixing of prices, either maximum or minimum or both, as a panacea for the evils existing, as a cure for high prices, and does not the Senator know that every publicist of any authority, every economist of any standing in any country—and when I say every one I mean substantially all—has reached the conclusion that an attempt by the Government to fix prices has been and, in the nature of things must be, a failure; that the law of supply and demand coupled with statutes against regrating and forestalling, such as the common law provided in England and such as the Sherman antitrust law provided in the United States, are sufficient to meet existing conditions, and that an attempt by the Government to establish prices fails; that even in Germany, during the war, where they had a repressive autocracy, having a military government stronger than any other in the world, price fixing was a failure, so recognized there and so recognized by political economists everywhere?

Mr. KIRBY. So far as price control by regular law of supply and demand is concerned we all agree that that is the best method, that that is the natural and usual method, but when you undertake to control the law of supply and demand by conspiracy or by agreement or by law, then there ought to be something else done; the restrictions should be removed or the condition relieved by other appropriate suggestion.

As to price fixing being a failure, why did you fix the price of steel during the war? Why did you fix the price of wheat when flour went to \$18 a barrel? You fixed it because it was necessary and you had the power to do it. It can be done now, in my judgment, and I shall ask that this sort of a resolution go to the committee and that something be done along that line to furnish relief.

The trouble in this country is too credulous a disposition, as some have said, to believe that the people ought to get together and they ought to agree on the reduction of prices. There never has been a meeting by manufacturers and producers in this country for reducing the price of their products, and there never

will be. It has always been for the purpose of enhancing and putting up prices and taking all that the traffic would bear. It is the business of the Government, the business of the Congress, to look after these matters and to see that we have as much as possible a wise, frugal Government which shall restrain men from injuring one another and shall leave them otherwise free to regulate their own pursuits of industry and improvement. But we have gotten too far away from that I am afraid. I presume the Senators know that statement is contained in Jefferson's inaugural message. It was the "sum of good government" then and it is the sum of good government now.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Harris	Moses	Smith, Ariz.
Brandegee	Henderson	Myers	Smith, Ga.
Calder	Hitchcock	Nelson	Smith, S. C.
Capper	Johnson, Calif.	New	Smoot
Chamberlain	Johnson, S. Dak.	Norris	Spencer
Colt	Jones, N. Mex.	Nugent	Sutherland
Curtis	Kenyon	Overman	Thomas
Dial	King	Page	Trammell
Dillingham	Kirby	Penrose	Underwood
Elkins	Knox	Phelps	Wadsworth
Fall	La Follette	Poinexter	Walsh, Mass.
Fletcher	Lenroot	Pomerene	Walsh, Mont.
Gay	McCumber	Ransdell	Warren
Gronna	McKellar	Sheppard	
Harding	McNary	Simmons	

Mr. McKELLAR. I wish to announce that my colleague, the senior Senator from Tennessee [Mr. SHIELDS], is absent on important business.

I wish also to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, there is a quorum present.

LEAGUE OF NATIONS.

Mr. FALL. Mr. President, I regret having announced yesterday that I should expect to address the Senate this morning after the close of morning business, as undoubtedly it has embarrassed some of the Senators who desired to speak to be hurried through the remarks which they might have to make.

Mr. President, if I were an orator, I presume that, as other orators in the body, I could discuss the league of nations or any other matter from a position in the clouds, but as my ability does not measure up to the point of oratory it is necessary for me, if I propose to discuss any question whatsoever intelligently, to feel that I have some foundation, some firm ground under my feet, upon which to stand. This will be my excuse in approaching the discussion of some of the provisions of the proposed constitution of the league of nations for occupying a portion of the time of the Senate in endeavoring to get back to earth out of the clouds, out of the realm of speculation, to get back to the United States of America, if it is possible for Americans to do so at this time. So I wish to call the attention of the Senate of the United States for a few moments to some occurrences in American history that I may have a standpoint from which to discuss, as I propose to discuss more in detail, the various provisions of the league of nations.

We are listening every day to speeches and addresses referring to the "spirit" of the American people; to the desire of the American people to serve mankind; of the duty of the American people to the Buddhists of Japan and India, the Confucians of China, the Voodoo worshippers of Africa, the fire worshippers of Persia, the Mohammedans of Turkey, the Jews and gentiles of the world—in fact, to all the peoples and races and tribes beyond the bounds of the United States and its insular possessions.

It might appear to some pigmy minds and to those of limited mental horizon that indeed the proponents and supporters of the league had entirely forgotten or overlooked the interests of the people of the United States of America, or that such interests were regarded as merely selfish and unworthy of consideration; that patriotism defined as "love of country," "the passion inspiring one to serve one's own country," had during the last few years become an obsolete word, and certainly that the sentiment formerly expressed by the word was, as in effect declared upon more than one occasion by President Wilson,

merged into or confounded with the "spirit" of America in dealing honorably, fairly, justly, and generously with and by other peoples of the world.

To my mind, such American spirit of just and fair dealing is the outgrowth of enlightened American patriotism of love of our country; of loyalty to its Government, of a common understanding of its Constitution and laws, and of profound conviction that the perpetuity and growth of its institutions should and will ever be the care and pride of its citizens.

Realizing that I am a mental dwarf by comparison with the league proponents and some of its supporters; admitting that, in my insistence upon care for and consideration of the interests of the people of the United States of America first, my political horizon is limited and my action to some extent selfish; admitting that my pride is in being an American and not a follower of Karl Marx, I propose to refer briefly to a few paragraphs in our history.

It occurs to me that enlightened American patriotism spoke on April 6, 1917, through the Congress of the United States, in declaring war upon the Imperial German Government after hearing the President, in pursuance, as he said, of his constitutional duty, solemnly advise on April 2:

With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense, but also to exert all its power, and employ all its resources to bring the Government of the German Empire to terms, and end the war.

It has always been my conviction that American patriotism spoke through the Declaration of Independence and that it crystallized into the Constitution adopted and the Government formed under it in 1789.

American patriotism spoke in 1798 when the Congress, in resentment of the acts of the French agents in this country; of the French ships and privateers upon the sea; of the French armed forces in Martinique; of the action of the French Government itself in demanding tribute from our commissioners; of French insults and demands, placed this country upon a war footing, sent its ships of war against those of the French fleet and called Washington from his retirement at Mount Vernon to lead American forces, if necessary, in defense of American honor and American rights against the aggressions of the French; and it spoke again when the American Congress of loyal, patriotic Americans denounced the league, or treaty of alliance with France.

American patriotism answered in no uncertain terms to the suggestion of President Jefferson that this country no longer submit to the tribute exacted by the Algerian and Tripolitan pirates, and when he sent Decatur to the coast of Barbary, and in 40 days after the sailing of our vessels, secured that freedom of commerce which England, France, and older nations of the world had never been able to wrest from the outlaws of the African coast.

American patriotism again spoke through the Congress of the United States and through its people when we declared war against Great Britain because of her outrageous oppression of our commerce and the indignities heaped by her upon our sailors and citizens in 1812.

American patriotism was voiced by the Congress of the United States, when by the resolution of January 15, 1811, it provided that:

Taking into view the peculiar situation of Spain and of her American Provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Be it

Resolved, That the United States under the peculiar circumstances of the existing crisis can not without serious inquietude see any part of the said territory pass into the hands of any foreign power; and that a due regard for their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they at the same time declaring that the said territory shall, in their hands, remain subject to future negotiations.

American patriotism enlightened and informed, crystallized in the words of Jefferson and Monroe in 1823, the American doctrine of self-defense suggested by Washington in his papers and in his Farewell Address and the Monroe doctrine, remains, until recently, unchallenged as the declaration of American patriotism and American policy.

American patriotism again was voiced in the resolution annexing Texas, and in the Mexican War at the battles of Buena Vista, Sacramento, and Chapultepec.

American patriotism spoke in the four bloody years of 1860 to 1865, and thus speaking, as those who died and who lived

through the fearful conflict believed, saved the American Union undivided and supreme as the heritage of their children and their children's children through unknown generations.

Again American patriotism spoke in 1898, and through its declaration and by its action with armed forces secured the freedom of the Cubans from hundreds of years of oppression and Weylerism, destroying concentrado camps, feeding the starving, and establishing a nation of free men near our shores.

One of the results of its words and its actions was the wresting of the Philippine Islands from the domination of Spain, and we have seen its further results through the presentation in recent days of the claim for absolute independence of those islands, upon the theory that within 20 years' time American policy and American spirit have done more to civilize and equip these people for self-government than had been done under 400 years of Spanish domination.

The same declaration and the same action attached the people of Porto Rico to this country, to be followed only last year by the bestowal upon the people of that island of the self-governing constitution under which we expect to see them in a very brief period fitted either for independence or for sovereign statehood within the United States of America, under its Constitution and under its laws.

And, finally, in arms American patriotism answered the call of the American President in April, 1917, when he requested of the Congress of the United States that it declare a status of war as thrust upon us by the acts of the Imperial German Empire, and so speaking it gave 4,000,000 of the youth of this country for the service of this country, and that in serving its country it might, as it must, serve civilization, Christianity, and the cause of peace over the civilized world.

No greater evidence of patriotism was ever evinced by any people than those of the remaining 110,000,000 who stayed at home, sacrificing their own comfort, yielding to those in need a portion of their own daily sustenance, paying without regret or hesitation taxes such as here had never been dreamed of before, lending of their wealth at a sacrifice to their own business, comfort, and welfare, such enormous sums of money to the other peoples of the world as prior to 1917 could only be calculated by some mathematical expert in the recesses of some statistical office.

American patriotism and care for American interests, love of country, belief in its institutions and confidence in its great future, prevailed over the objections of the French, our Allies, and against the contentions of the English, our recent opponents, when in 1782 we secured from Great Britain that vast territory extending along parallel 49 and down the Mississippi to the Floridas, more than doubling the area of those 13 States which had but recently won their independence from Great Britain.

Again American patriotism exhibited itself in 1803, when, through the great patriot, Jefferson, we secured from France that vaster territory extending to the Pacific and embracing nearly 900,000 square miles which we have since erected into 14 States with a population of more than 25,000,000.

American spirit of loyalty and patriotism has never achieved a greater diplomatic victory over Great Britain, Spain, France, and of the world than by Jefferson and his agents in securing this the Louisiana Purchase.

Again American patriotism spoke through the vigorous action of Gen. Andrew Jackson and the governor of Georgia and other American patriots when we first declared West Florida and later East Florida our territory and finally cleared our title in 1819 by the treaty with Spain, and from which territory we have since created the State of Florida and a portion of the State of Alabama.

As I have said in referring to the occasions upon which our patriotism has exercised armed force, the spirit of enlightened American patriotism again made itself heard when we added Texas to this Union of States and secured, through the treaties of Guadalupe Hidalgo and Gadsden, the territory now comprising the States of California, Arizona, New Mexico, and a portion of the State of Colorado.

Again was it heard in 1846, when, meeting the contentions of Great Britain, it added to our territory 250,000 square miles which now comprises all or a portion of the States of Idaho, Washington, and Oregon.

In 1867 American patriotism, loyalty, regard for the eventual safety and for the present and future welfare of our country, spoke in opposition to the "little Americans" when we acquired Alaska from Russia and added 600,000 square miles now constituting the only remaining territory within our continental confines.

American patriotism and far-sighted American policy and regard for our country and its people finally made itself heard in the peaceful acquisition of the Hawaiian Islands.

Let us distinguish a moment the American spirit of justice and of fair dealing.

The American spirit of justice and of fair dealing to all nations has evinced itself in all the treaties entered into by this country with foreign countries since that of 1782, with Great Britain, down to and including the recent re ratification of the expiring arbitration treaties with Great Britain, France, and other nations.

This American spirit of fair dealing, this American recognition of justice and right in our dealings with other nations and in our dealings with all the peoples of such other nations wherever they may be found; this recognition of the rights of such peoples and such nations to pursue their own lawful course under such form of government as may be pleasing to them; this spirit of equity and fair play and reciprocity inaugurated by the American patriots who first negotiated our treaties with Prussia in 1785, 1798, and 1828, and our treaties with the Netherlands and with all countries of the civilized world.

This desire of our patriots and loyal American citizens to establish their relations with the other peoples and the other nations so firmly upon right and justice that there could be no cavil or question by such other peoples of the declared right of the United States to maintain its own policy and insist upon its claim when it spoke with reference to affairs upon this hemisphere has been in recent years apparently mistaken by some writers, publicists, and public men for that enlightened American patriotism which made this country and which maintained it in its power and in its own self-respect and in the respect of the world to the point where it could make its spirit, as evinced in these treaties and in its ordinary dealings with the other nations of the world, understood and regarded.

This spirit of the American people could not have made itself understood nor respected nor regarded by the other nations and peoples of the world had not they understood, as they now understand, irrespective of the high position of he who may proclaim himself as the custodian of the heart and the mouthpiece of the sentiment of the American people, that supporting this spirit, creating it, sustaining it, is that American patriotism of Washington, of Jefferson, or of the fathers and all our great men down to and including Theodore Roosevelt.

The President of the United States in his recent address to the Senate, when he laid before that body the instrument which is designated as the treaty of peace which we are requested to ratify as the end of the war between this country and Germany, spoke most beautifully and eloquently of our duty to humanity in Europe, Asia, and Africa, and demanded to know of us whether we would "break the heart of the world." But in listening to this most beautiful appeal I was impressed particularly with that portion of the paragraph third to the last in the printed copy of his speech in which he uses the following language:

America may be said to have just reached her majority as a world power. It was almost exactly 21 years ago that the results of the War with Spain put us unexpectedly in possession of rich islands on the other side of the world and brought us into association with other Governments in the control of the West Indies. It was regarded as a sinister and ominous thing by the statesmen of more than one European chancellery that we should have extended our power beyond the confines of our continental dominions. They were accustomed to think of new neighbors as a new menace, of rivals as watchful enemies. There were persons amongst us at home who looked with deep disapproval and avowed anxiety on such extensions of our national authority over distant islands and over peoples whom they feared we might exploit, not serve and assist. But we have not exploited them. And our dominion has been a menace to no other nation. We redeemed our honor to the utmost in our dealings with Cuba. She is weak but absolutely free; and it is her trust in us that makes her free. Weak peoples everywhere stand ready to give us any authority among them that will assure them a like friendly oversight and direction. They know that there is no ground for fear in receiving us as their mentors and guides. Our isolation was ended 20 years ago; and now fear of us is ended also, our counsel and association sought after and desired.

Mr. President, to me it seemed, and subsequent consideration of the entire address has but confirmed the belief, that the President did not realize that this paragraph of his address was an absolute and unqualified answer in the negative to the appeal which he was making to the Senate of the United States, or through it to some of the people of the United States.

I call upon the President himself and upon the Senators in this body to consider that while we had truly gained the respect of all the world and the confidence of all the nations, great and small, through our dealings with them subsequent to the Spanish-American War, in the performance of our pledge to Cuba, in our care of the people of Porto Rico, in our consideration for

and generosity toward the people in the Philippines, in our dealings with the people of Asia, with whom we have been thrown into more close social and commercial contact by virtue of our retention of the Philippines; that this confidence and respect of the other peoples, because of the facts cited by the President, was gained under the American spirit of government; the American spirit of fair dealing with other nations; the American spirit of justice and generosity and of service which has grown with this country as the country itself grew, and which was, is, and shall be the product of the American policy of no entangling political alliances with the peoples of any other nation or nations under the sun.

The President's attention is called to the fact that, as he so well said, the people of other nations were accustomed to look with well-founded suspicion upon closer contact of any kind with other nations because of the general selfish practice of the nations of the world to exploit new people and new countries and selfishly to administer them for their own benefit and selfishly to treat with other nations with whom they were thrown from time to time in close or closer contact.

And then the President appeals to the Senate of the United States to join him in overturning the American policy of 140 years, in undermining every influence with other nations which that policy has created and maintained; in deadening the influence of American patriotism here at home; in rendering obsolete the word patriotism in our vocabulary; in joining this Nation, now possessing the confidence, respect, and admiration of the people of the other nations, won through so many years of travail and toil and struggle and sacrifice, in a bond of alliance, hard and fast, with the very selfish nations who have caused our conduct to stand out in such brilliant contrast, in a council where our freedom of action hereafter will be controlled by the vote of eight of these nations referred to by the President, whose administration of colonies or new countries or more intimate contact with other peoples have led such other people to expect only exploitation and selfish administration.

I have referred to our treaties inaugurating and pursuing our American policy from the days of 1782 down to the present time, but I have not nor shall I attempt to enumerate or discuss these various treaties in detail. I think, however, that the people of the United States who do not understand what has been the trend of our former negotiations and who are now being assured that this present proposed treaty will create the dawn of a new international era of peace should understand once for all that this country has 25 or more arbitration treaties with all the great and small civilized countries; that under the terms of these treaties we submit to arbitration all questions which may arise involving construction of treaties or points of international law, or any other matter or matters of dispute whatsoever, excepting always the Monroe doctrine and purely American questions, such as immigration and the rights of third parties.

Hearing, as they do, that this proposed treaty provides for the settlement of international disputes, the people of the United States who have not given thought or study to the subject might think that the Wilsonian era has indeed inaugurated a new policy in the history of this country.

Arbitration treaties exist now not only between this country and other nations but between practically each of the other nations, one with the other, and a general Hague arbitration agreement was signed and ratified by practically all the civilized countries of the world.

I have heard from the lips of the President of the United States, at least through the reading of one of his addresses, I believe to the Daughters of the American Revolution, that the fathers who founded this country and the captains who steered the ship of state through the shoals and turbulent waters of national and international troubled seas until recent days had no such complicated questions to meet and decide as were now to be considered, even before this country entered the European war as a belligerent.

I might remind the people of the country that during the progress of the war and before we became belligerents a German cruiser ship of war sunk the *William P. Frye*, a vessel owned by American citizens, and that upon the request being made by the President of the United States to the Imperial German Government that reparation for such destruction should be made, the German Government immediately admitted this liability under the treaty of amity and commerce entered into in 1782 between the Emperor of Prussia and the United States of America represented by Pennsylvania's great citizen, the diplomat and patriot, Benjamin Franklin.

I might further remind the President and the people of the United States that upon one point of the controversy, that is, what body or tribunal under the terms of this treaty had juris-

diction to determine the value of the destroyed property, the German Government suggested that this matter should be submitted to The Hague tribunal and that such suggestion was immediately accepted on behalf of the people of the United States by its President, Woodrow Wilson.

American patriotism has been a development growing with the growth of the Nation and developing with the recognition of the fact that this was originally intended to be and is now one great Nation of free people.

During the discussions leading up to and following the adoption of our present Constitution and form of government many sincere and able Americans held to the principle that loyalty and patriotism were first due to the States which formed the Union.

For many years after the formation of this Government, able men, of whom John C. Calhoun was one, if not the most prominent, example, announced and endeavored to fix upon our policy the doctrine that each State of the Union had reserved to itself the right to ignore and refuse to enforce within its own boundaries any act of the Congress of the United States which, in the opinion of such individual State, was not for the best interest of the people of the State or which was not enacted under the direct powers given by the people of such State to the Federal Government.

A great majority of those who held to this doctrine were, in so far as foreign relations were concerned, as patriotic American citizens as those who contended for the absolute supremacy in the United States of the Federal Government in all matters within its sphere, whether enacted, if laws, under direct power delegated or necessarily implied.

This coterie of statesmen, loyal, as I have said, and patriotic in the true sense of the word where patriotism means love of country, in any matter concerning other countries than the United States, were, nevertheless, sincere in their belief that the Constitution of this Union was simply a compact or covenant of sovereign States for their mutual protection and the conservation of their mutual interests and that the Federal Union in itself was not intended to be a great, powerful Government of and within itself.

Those patriots who held to the contrary doctrine were led by John Marshall and Daniel Webster, and to me it would seem that many persons might now with great profit read the debates between Calhoun and Hayne upon the one part and Webster and others during what has been known as the "States Rights" debates extending over a long period of years.

It was pointed out by Calhoun and others of his school of thought that there was no provision in the Constitution itself by which or through which the Federal Government was directly empowered to enforce its laws within the States as against the opposition of the people or of the authorities of such State.

This argument was answered by Webster in most masterly speeches and arguments confuting the contention that the State could remain in the Union at all and defy the enforcement within its boundaries of any law or act of the Federal Government itself.

Webster admitted, as all must admit, that such an inherent right remained if the State chose to resort to an armed overthrow of the Government and could finally succeed in such effort. In other words, it was admitted that the right of the rebellion as set forth in the Declaration of Independence was the inherent right of man. It was denied that any State could nullify or refuse to obey any act of the Federal Government while remaining in the Union.

The rebellion was the natural child of the doctrine of nullification, and despite the fact that various States had reserved the right of withdrawal when they ratified the Federal Constitution, when secession was followed by rebellion and war, the ultimate arbiter in all like disputes decided against the right of withdrawal and secession, and such decision has now the unanimous approval of the men of all countries, and certainly of all of the citizens of this great Federal Union.

And yet the arguments to which the Senate has recently listened, coming from the majority of the supporters of the proposed peace treaty and constitution of the league of nations, has been exactly in line with the arguments used by those who would have destroyed by limitation the powers of the Federal Government prior to 1861.

Word for word, line for line, and sentence for sentence, almost identical arguments have been used by those within this Chamber who would have the constitution of the league of nations adopted as it is written when they have undertaken to meet the arguments of those who insisted that the proposed constitution of the league not only created limitations of the powers of the sovereignty of this Government but constituted in various articles unconstitutional delegations of the power delegated

to the Senate of the United States by the people of the United States.

Several of the Senators, and particularly one of them, within the last 10 days has attempted to class opponents of the league in this Chamber as "reactionaries," because of the fact that they refused to have this country ratify the league articles as they stand, and at least one Senator has referred to them as of the school of those who opposed the adoption of the Constitution.

Such an argument, of course, is unworthy of serious consideration, for upon the face of it it bears its own refutation.

Those who are opposing the delegation of the supreme powers of this great Federal Union to a political body, overwhelming control whereof shall be vested in the other nations joining the league, are of the school of thought of John Marshall and Webster. Those who are favoring the league provisions as they stand are the natural intellectual descendants and members of the same school who, prior to 1860, sought to limit in every way possible the Federal powers and who maintained the right then, as their intellectual descendants are now maintaining it, to nullify the acts of the Government which they themselves established. They claim that we can enter the league and then nullify its orders by declining to enforce them, and that we can do this without reserving such right in the ratifying resolution and having such reservation accepted by the other parties to the proposed league.

As the Federal Government established in 1789 under the constitution of 1787 was not a party to the Constitution under which it was created, neither is the league of nations itself a party to the treaty which seeks to create such league.

Measured by all the definitions of a government, the league, if constituted, is a government. The league articles themselves limit the sovereignty of the various members joining the league, exactly as the constitutional provisions limited directly the rights of the various States forming this Federal Union in the matter of making treaties, of making war or declaring war, of interference with interstate commerce, and so forth.

The Constitution of the United States not only limits the powers of the different States but of itself, under the acts passed in pursuance thereof and of the treaties made under its authority or in pursuance of the Constitution, operates directly upon the people themselves.

Under the constitution of the league of nations and the proposed treaty, of which it is a part, the council and assembly of the league of nations, while dealing more generally through their acts, resolutions, and orders, with the States constituting the league, yet has every element of sovereignty and government in that it also deals directly with peoples.

It deals directly with the people of the Saar Basin. It deals directly with the people of Poland and Germany for an untold or unfixed number of years in the creation of and control over certain districts lying between the boundaries of those two countries yet to be fixed.

It deals directly with the Rhine Provinces and the inhabitants thereof.

It deals directly with the people of the German overseas colonies who are ceded with their respective territories directly to the five "principal allied and associated powers," that is, Great Britain, France, Italy, Japan, and the United States, as will be seen by reference to articles 120 and others of the treaty of peace and will be confirmed by consideration of the decisions of the Supreme Court of the United States, particularly in the insular and other case.

Contrary to the impression in the minds of many people, the German overseas colonies are not turned over directly to the league, or the council, or assembly, or to the members of the league, but to the five powers which I have named.

Under the vague provisions of Article 22 of the proposed league constitution, it will be seen that, while it is the apparent purpose to turn such colonies over to individual powers as mandatories, the rules and regulations for the governing of the people of such colonies, and those hereafter to be placed at the disposition of the same or other individual powers, are under the direct control and supervision of the council of the league of nations itself.

In terms, the treaty and the league articles do not provide for military protection of the colonies. The five powers or the league would have that power and duty.

The league itself shall have general supervision over the trade in arms and munitions of the countries in which control of this traffic is necessary in the common interest; it will have control and general supervision over the execution of agreements with reference to the traffic in women and children and the traffic in opium and other dangerous drugs; it will have control over all international bureaus and commissions.

I desire to say that I am not objecting to such control as is herein provided being vested, as at present it is vested, in bureaus or commissions, nor to such bureaus or commissions being consolidated; but I am simply calling attention to this provision to emphasize the fact that this league constitution forms a government with supreme control beyond that of each or all the other governments of the world with regard to certain matters.

Without attempting to review each of the different articles, I may say shortly that article 2 provides that the action of the league shall be effected through the instrumentality of the assembly and council with a permanent secretariat.

This article, with article 3 and article 4, constitute an assembly and council, the legislative and administrative bodies of a great supergovernment, while other articles, some of which have been fully discussed and others but glanced at, outline directly or by necessary implication the functioning, both in the legislative and administrative way, of the council of the league as the actual governing body of the league, leaving to the council itself its method of organization in so far as the election of a permanent or temporary president and other officers is concerned.

I have in the only speech which I have heretofore made on this subject called attention to the words of article 3, wherein, when the assembly is in session, it may "deal with any matter within the sphere of action of the league," or (and these are the broad terms of its general jurisdiction) "any matter affecting the peace of the world."

The same general jurisdiction is given by article 4 to the council of the league, and there is no limitation whatsoever with reference to either "dealing with" or how they shall "deal with" any matter which, in their judgment, may "effect the peace of the world."

This power is delegated to the council and the assembly by each of the members of the league ratifying its constitution, and if such delegation is constitutional, then, in so far as this country is concerned, either the assembly or council having dealt with such matter, it would become the duty of the executive officer or of the administrative officers of the United States of America to put in force here the action of the council or of the assembly thereupon. Under our Constitution, with its three distinct departments of government, the executive is that department which executes the laws or puts in effect such laws or necessary measures.

This construction, of course, applies with even more force with reference to articles 10, 11, 15, 16, and 17 of the constitution of the proposed league.

In the discussion of the armed-neutrality resolutions and other measures before our declaration of war I cited the action of the constitutional convention and the debates thereupon in the matter of the adoption of the provision that the Congress of the United States should "declare war." I then pointed out the distinction not only as understood generally but as followed in the convention and as since followed in practice in the United States between the congressional power and duty to declare war and the right of the President of the United States, as the Chief Executive, to wage or "make" war.

To illustrate the point which I am now touching upon, if we will examine article 16 of the treaty it will be found that any country making war upon any other country in violation of its league agreements shall be considered to have declared or to be waging war against all the members of the league. If we can delegate that authority, and we clearly attempt to do so, then as clearly must the fact be established that the recommendation to be made by the council to the several Governments as to what effective military, naval, or air forces the members of the league shall severally contribute for the protection of the covenants would be made only to the executive department of this Government. For the sake of argument, granting the right to delegate this power, then the executive department of this Government, and that department alone, could, and in my judgment it would be its duty to, immediately follow such recommendation and use such portion of our land and naval or air forces, or either, as were required by such recommendation.

It must be borne in mind that, generally speaking, that is to say, unless there are clear terms of limitation, the word "may" in international law is understood as meaning "must," and a recommendation under such circumstances would undoubtedly be construed by any international tribunal as an order.

The Government, that is to say, the Congress, as a portion of such Government, under the decisions of our own tribunals, could have, and would have, no voice whatsoever in the control of the executive action in this matter except possibly through legislative control over the funds for moving land, naval, or air forces.

To my mind it is equally as clear that the refusal of Congress under such circumstances to provide the funds, in event the President has not in his control such necessary funds, or the failure or refusal of the President himself to act, would in either event be an act of rebellion against the league government and would justify war upon us.

There is no question in my mind that under article 11, granting for the sake of argument that we can constitutionally vest the league with the power to take any "action" that it may deem "wise and effectual" to safeguard the peace of the nations, that the governing body of the league can declare war or declare a State to be in rebellion or declare that armed protection is necessary for some colony or country under mandate, and direct measures to be taken by each of the members of the league, and that such measures would be not only directed to the executive of each such member government, but that under our form of government it would be the duty of the President of the United States, without calling upon Congress, to make war in enforcing the orders of the league.

I have heard statements made upon the floor that the Supreme Court of the United States had declared the power of Congress to set aside or abrogate or refuse to enforce the provisions of and thus annul any treaty to which the United States was a party.

Of course, the Supreme Court of the United States must in cases arising within the United States, or within the jurisdiction of such court, where arising under our municipal law, be governed by such municipal law, although in conflict with treaty rights. Time and again, however, the court has pointed out the distinction between the international obligation of such treaty and the municipal force of such treaty when in conflict with the subsequent act of Congress.

Never has the Supreme Court of the United States held that, as to the international obligation, an act of Congress could annul it, in so far as the contentions of other parties to it are concerned, or could prevent diplomatic complications or responsibility under international law and the treaty provisions, ensuing to us. In fact, not only have our courts held in every case where considered that such complications might arise and such responsibility be asserted, but the other nations of the earth have invariably declined to recognize the doctrine that a congressional act relieved us from treaty responsibility where the government with which we had the treaty either directly for itself or for one of its nationals chose to insist upon the terms of the treaty or upon the performance of international obligations.

It will be only necessary to cite one or two instances where foreign Governments have asserted this principle to establish the point.

In the letter of the British ambassador to the Secretary of State, under date of February 27, 1913, referring to the claim of our State Department that, even if the tolls-exemption act of itself conflicted with the Hay-Pauncefote treaty, yet at the time of the British protest no injury had arisen of which Great Britain could complain, said:

From this view His Majesty's Government feel bound to express their dissent. They conceive that international law or usage does not support the doctrine; that the passing of the statute in contravention of the treaty right offers no ground of complaint for the infraction of that right; and that the nation which holds that its treaty rights have been so infringed or brought into question by the denial that they exist must, before protesting and seeking a means of determining the point at issue, wait until some further action violating those rights in a concrete instance has been taken.

In their view the act of Congress . . . was in itself, and apart from any action which may be taken under it, inconsistent with the provisions of the Hay-Pauncefote treaty. . . . In their opinion the mere conferring by Congress of power . . . amounts to the denial of the right of British shipping to equality of terms.

His Majesty's Government holds that the difference which exists between the two Governments is clearly one which falls within the meaning of article 1 of the arbitration treaty of 1908.

It will thus be seen that Great Britain at least claims that any act of Congress, whether enforced or not, which act of Congress Great Britain herself may conclude to be a denial of something which she claims to be a treaty right, is a matter for her consideration and, even over our contention to the contrary, a matter for arbitration, or, if the constitution of the league should be ratified, would be a matter for the council to decide in event arbitration was not sought or submitted to.

Followed to its logical conclusion, this would mean that all acts of the Congress of the United States would be subject to an exactly similar claim by any country a member of the league, and it would become a matter for the eventual consideration of the council as to whether such act either operated when enforced as a nullification of the treaty provision or constituted a denial of some treaty right, although not put in operation or effect.

In other words, this Congress can not sit here in its regular session and pass any act hereafter without the understanding that every nation of the world a party to the league of nations document has the right to inspect, pass upon, and drag us into an international court to ascertain the meaning of an act of Congress, although it may be a purely domestic matter; though it may be only for our municipal government.

Again, to cite another instance, concerning the matter of contention during this debate, Japan, in a letter to her ambassador here under date of June 10, 1914, referring to the denial of the right of the Japanese to hold lands in California, said:

Among the more important pending questions that confronted me when I assumed charge of this department was the issue resulting from the enactment last year of the Legislature of California respecting alien property ownership. The measure, as you are aware, undertook in effect to draw a distinction in the matter of such ownership between aliens belonging to different races. The avowed purpose of the law was, on the one hand, to annul the then existing right of ownership so far as Japanese subjects were concerned and, on the other, to continue the right in favor of aliens of the white and black races.

I have given the subject my most serious consideration and am consequently well satisfied that the enactment in question is not only in disregard of the letter and spirit of the existing treaty between Japan and the United States of America, but is essentially unfair and invidiously discriminatory against my countrymen and inconsistent as well with the sentiment of amity and good neighborhood which has always presided over the relations between the two countries. Nor can I escape the conviction that the said enactment which was intended to have international effect is also in excess of the authority of the State of California for the reason that the separate States of the United States are, internationally speaking, wholly unknown and entirely without responsibility. In any case the Imperial Government are confident that such action as complained of stands without historical parallel, and they are happy to believe that the legislation in question forms no part of the general policy of the Federal Government, but is the outcome of unfortunate local conditions. I therefore fully concur in the views which you, in pursuance of instructions from my predecessor, presented to the honorable the Secretary of State on the subject.

The same thing applies to every convention suggested by Mr. Bryan for the settlement of this difficulty, as we submit it to no convention between the two nations. Well might Japan enter the league of nations, although her insistence upon what she calls the racial clause was not agreed to, because under the terms of the league itself every question which Japan has with the United States, both as to immigration and as to racial discrimination, as to the laws in the different States, is distinctly reserved to be decided by the council of the league of nations in event arbitration fails.

The letter continues:

I also cordially appreciate the motives which in the interest of international conciliation and good will induced Baron Makino to give favorable consideration to the idea of concluding a convention regarding the matter. But the project, as it stands at the present time, instead of composing existing misunderstandings, would, I fear, tend to create new difficulties. Accordingly, you are instructed to inform Mr. Bryan that the Imperial Government are disinclined to continue the negotiations looking to the conclusion of a convention on the lines of the project which has been under discussion, but that they prefer to recur to the correspondences which were interrupted by the ineffective negotiations, and that they will now look for an answer to the note which you handed to Mr. Bryan on the 26th of August last, hoping that in a renewal of the study of the case a fundamental solution of the question at issue may happily be found.

Such a question being raised by Japan, it would be futile for the United States to offer before the council or any arbitration commission the defense attempted to be set up that the Federal Government, not being able to control the State of California in this matter, was itself not therefore responsible in event the council or arbitration commission decided that the act of the State of California was, as claimed by Japan, a violation of her treaty provisions, or a violation of international law, or that the question of fact raised by Japan should be considered by the commission or by the council.

In either of the instances cited, the United States being a party to the dispute, would have no vote in the decision of the council upon the subject.

Having delegated, granting for the sake of argument that we can delegate, the authority to the council or to the commission to consider such matters, the orders in the premises as made by the council would be directed to the executive department of this Government and under our obligations as a member of the council, we must obey same immediately or be in rebellion against the league with all the consequences which such an act of rebellion might visit upon us.

I will not dwell longer at this time upon the proposition which I have been discussing.

Mr. President, in view of some correspondence which has recently been published in the newspapers, and in view of various articles emanating from the author of that correspondence, I want to digress here for a moment in closing the discussion as to the political character of the supergovernment which we are proposing to establish, to call attention to the inconsistency of members and supporters of the league to

enforce peace in their attitude now in support of the league, the constitution of which is before us.

The League to Enforce Peace was formed for a purpose; it had a platform; it published it to the world, and proceeded with such a propaganda to secure support for it as has never before been witnessed in this country. That proposition, so earnestly insisted upon by Mr. Taft, its president, was the establishment of an international court of justice, the exact opposite of a political legislative body. Therefore, I could readily understand the situation when I saw in the press a few days since that Mr. Taft criticized the President of the United States for his dislike of courts. It is well understood that the assistance of the President of the United States before he departed for Europe was sought by Mr. Taft and the League to Enforce Peace for their propaganda, and the President failed to give it. The platform of principles of the League to Enforce Peace, of which Mr. Taft is the president, is as follows:

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second. All other questions arising between the signatories and not settled by negotiation shall be submitted to a council of conciliation for hearing, consideration, and recommendation.

Mr. President, it is not for me to say that the birthright of the League to Enforce Peace has been traded for a mess of pottage, but it is possibly well enough that I should read the trade which they have made. Article 14 of the constitution of the league of nations provides:

The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly.

Mr. President, as to any question which may be raised concerning the league or as to any question in which the league or the council may be interested, there is not even given to the league of nations or to the assembly of the league or to the council of the league the jurisdiction, power, or authority which we have given to the Supreme Court of the United States here over our own Federal Government. This court which it is proposed to establish hereafter may act simply in an advisory capacity.

It is not for me to criticize—for I have no interest in it—the action of those conducting the affairs of the League to Enforce Peace for the use of the money which they have had in their possession. A simple comment is sufficient. Under this platform they sought here in the city of Washington subscriptions for their propaganda, and, as will be seen by reference to the columns of the press of this city, in 1916 in three days they secured \$348,000 in cash or practically in cash, for the use of the League to Enforce Peace in its propaganda. As to what they have done with it or how much they have since collected I have no knowledge. This is a matter published in the press. My point is simply that it was collected for an entirely different purpose—for the establishment of a great international court to which nations should submit questions of international law, exactly as we submit questions to the Supreme Court of the United States here in our own country, and that we should abide by the decisions of that court.

Mr. President, I, for one, stand here now prepared to vote for any such agreement at any time. The United States has never failed, it has never refused to submit to arbitration, and to abide by arbitration, to submit to a court and to abide by its decisions, and it never will. Now, we are dragged into a political combination with the other nations of the world, the "selfish nations of the world" to whom the President of the United States refers.

I have already spoken of the difference of opinion, and of two schools of thought in this country upon the powers of the Federal Union and the powers and rights of the States. Another line of division in thought was clearly marked for a short period only, under the administration of Andrew Jackson.

It was maintained by Gen. Jackson and his friends in asserting the authority of the executive department of this Government that the same should be regarded as a unit; that is, that all the executive officers should be bound to obey the commands and execute the orders of the President and be amenable to him and he responsible for them.

Prior to his administration, it had been contended that such officers were bound to observe and obey the Constitution and laws, subject to the general superintendence of the President "and each responsible by impeachment and to the tribunals of justice for injuries inflicted upon private citizens," as was said by Henry Clay in a speech in Hanover County, Va., on June 27, 1840.

Gen. Jackson even went to the extent of claiming that the Constitution and laws of the United States were to be executed as he understood them; that he, being a sworn officer, must carry the laws into effect according to his sense of their meaning, and so forth.

No other President has, in so far as I know, in similar language suggested such an interpretation of executive duty and executive rights; but in his "Constitutional Government," in the United States, the Hon. Woodrow Wilson has announced without qualifications, simply and plainly, that this Government of ours is a "government of men" and not a "government of laws." He has stated, in effect, in commenting upon this proposition, that Washington, Jefferson and Madison and Jay and Hamilton and the other framers of our Constitution and the founders of our Government, did not understand the character of the Government which they had formed. He claims that they thought that, being familiar with Montesquieu's "Spirit of the Laws," they were framing a Government according to what Mr. Wilson pleases to designate as the "Newtonian" theory, while he, then Mr. Wilson, now President Wilson, asserts that the Government which they formed was after the "Darwinian" theory, whatever that may be.

It is following this, Mr. Wilson's discovery of the mistake of of the fathers of our Government that he asserts the doctrine that this is a government of men and not a government of laws; that the Massachusetts Bill of Rights "to the end that this shall be a government of laws and not a government of men," was not adopted into our form of government; that, in fact, there could be no such government as that of men and not of laws.

In this one matter, at least, President Wilson has followed Dr. Wilson most consistently. Bearing in mind this conclusion of President Wilson, one can readily understand some of his acts; some of his statements and at least one of his appeals, which, without such realization of President Wilson's theories, have not been understood by many citizens of the United States.

For instance, in Mr. Wilson's appeal prior to the last election to the voters of the country to elect a Democratic House and a Democratic Senate, or else he would not be so well able to carry out his policies abroad, and so forth, Mr. Wilson was undoubtedly sincere in the belief that this was a government of men, of whom he was the duly chosen leader, and he was equally sincere in the opinion that the people of the United States realized this fact fully, and was undoubtedly astounded when they did not grant his request.

Undoubtedly Mr. Wilson thought there must have been some misunderstanding of his plea to the people which caused them to vote as they did, because he went to Europe insisting upon every occasion that he knew the heart and the spirit and voiced the demands of the American people, and that in their name he insisted upon writing into the treaty the constitution of the league of nations.

Undoubtedly he was again astounded when upon his temporary return from Europe he found that certain Members of the Senate could not agree to approve nor bind themselves to ratify the proposed constitution of the league.

I give the President credit for being entirely sincere in his construction of our form and principle of government, and yet I refuse to believe that the majority of the people of the United States agree in such construction. I believe that they rather adopt the theory of Webster and other great Americans that this is a "government of laws and not a government of men."

I believe that the mass of the people think as Webster thought when he said that "whatever government is not a government of laws is a despotism, let it be called what it may."

I give the President credit for absolute and entire sincerity in his theory, because I have seen that he has impressed such theory upon the representatives of his party, at least in the Congress of the United States, and I know that he has impressed it upon as many newspaper followers throughout the country.

Thus, therefore, we may understand the otherwise somewhat puzzling proposition insisted upon so consistently—and I had almost said vociferously—during the debate in this body, that anyone who disagrees with any word or line or who cares to dot an "i" or cross a "t" in the proposed constitution of the league or in the peace treaty as written must be guided entirely by "political partisanship" and the desire to make political capital through opposition to the President or must be guided by personal enmity to the President himself.

If I could not give credit for sincerity to those Senators who have been pursuing this line of denunciation, I could offer to myself no possible excuse for their supreme egotism in arrogating to themselves the sincerity, patriotism, and statesmanship in their support of the league provisions as they stand and the treaty provisions as they are written.

This line of thought which the President's overwhelming ability and dominating personality has impressed upon his political followers gives them an excuse not only for abandoning but for uttering sentiments diametrically opposed to the arguments they used in 1912 in objecting to the proposed arbitration treaties offered by Mr. Taft because such treaties contained a provision for a commission, which commission, it was insisted, might pass upon questions to be arbitrated and thus deprive the Senate of one of its constitutional functions.

This conviction, so impressed upon his party followers, justifies their contention now that there should be no reservation in or amendments to the present treaty, when in March, 1912, their then leader, Senator Bacon, followed by every Democrat then in the Senate, many of whom are now members, among whom I will only mention Senators Hitchcock of Nebraska, Williams of Mississippi, Smith of Georgia, Smith of South Carolina, Swanson of Virginia, Fletcher of Florida, Pomerene of Ohio, and so forth, voted for the amendment offered by Senator Bacon in words as follows:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions commonly described as the Monroe doctrine or other purely governmental policy.

Joined at that time by some of the Senators who yet remain upon this side of the Chamber, this amendment to the treaties was then adopted by a vote of 46 to 36.

If it proves a matter of further interest, I may quote from some of the illuminating speeches made during this debate by some of those Senators upon the other side, whose names I have mentioned, who then upheld the honor of the United States and gloried in its isolation and damned he who would either offer this country as a sacrifice in an entangling alliance or who would suggest that the Government of the United States itself and particularly this great Senate body should be deprived in any respect of its powers under the Constitution of the United States.

We have seen and heard evidence not only of propaganda throughout the United States in favor of the league for universal peace, but there is no questioning the fact that aside from the well-organized propaganda in that direction there does exist in the minds of a great majority of the people of the United States and of the world the keenest desire that some means should be discovered and worked out by which such wars as that supposed to have been ended when Germany affixed her signature to this treaty should be rendered impossible of repetition in the future.

Such desire has been expressed from time to time by the people of the earth since the days of Confucius. Such an overwhelming desire of the people of the world is accounted responsible for the faith of the primitive Christians in the doctrine that there will be a kingdom of God on earth which would last for a period of from 400 to 1,000 years. This idea or doctrine, known as that of the millennium, has come down to us, to be revived from time to time, and is really responsible to a great extent for the sincere belief of hundreds of thousands, aye, of millions possibly, of human beings now on earth that it is possible to legislate good into man; that it is possible by covenants and agreements made between nations from time to time to prevent wars in the future and to compel all men to live together in brotherly love and in harmony, without regard to the fact that some of these men are of one color and some of another; that some are of one religion and some are of another; that some speak one language which four-fifths of the other inhabitants of the world are not able to understand.

Many most excellent people do not understand fully the fundamental psychological and not-to-be-disputed fact, lost sight of by the chiliasts of every age, that the mere form of government under which the people may temporarily live and do business does not necessarily mean that such people entertain the same idea of the spirit of government or the duty of the government to its citizens and of the duty of citizens to their government which people of another race or another country or of other training entertain who live under a similar constitution or form of government.

The people of Germany were confederated together under a constitution and with two legislative and one executive department of their Government. Some of the constituent elements of the German confederation were the old Hanse free towns which

in the fourteenth century practically controlled the commerce of the earth.

The President of the United States fell into the common error when he insisted time after time that the German people were not responsible for the late war, that it was merely their rulers who were responsible, and when he insisted in effect that we would only deal with them when they had overthrown their rulers.

And now he has dealt with them possibly more harshly than any other conquered people were ever dealt with by a civilized conqueror.

The President of the United States has seemed to think that because Mexico has the form of a republican representative government based upon that of the United States that necessarily if the people of Mexico had an opportunity, or the great submerged 80 per cent had an opportunity in that country, they would consider their Government from the same standpoint occupied by the citizens of the United States in considering ours.

He has made no allowance for thousands of years of heredity as affecting the thought, the ideas, and the principles of the various people of the earth. He has fallen into the error so common to idealists and theorists and reformers of overlooking precedent in dealing with people and with facts and has vainly imagined, as his followers now vainly imagine, that by simply entering into a covenant to keep the peace and adopting a constitution for the government of the world, that this one country of ours can by such agreement bring about the millennium on earth.

I know that to the minds of many in this Senate the suggestion that precedent be considered meets with no favorable response, but merely with the cry that one making such a suggestion is a reactionary, and yet I desire to call attention for a moment to the only precedent in modern times which we have in full historical, definite form, and that is to the constitution of the Holy Alliance adopted in 1815 and referred to some time since in the Senate by Senator JOHNSON of California.

Remember that not only Europe but the world had been at war for approximately 20 years when the quadruple alliance of Russia, Prussia, Austria, Great Britain, later to become the quintuple alliance by the adhesion of France, was formed in Vienna, to be followed later by, and not to be confounded with, the Holy Alliance formed by Russia, Prussia, and Austria under the leadership of Alexander the First of Russia.

Remember that not only all the countries of Europe which have been engaged in the recent war were parties to the wars ending in 1815, but that Holland, not a party to the war which we hope has now just closed, Denmark, at times Norway and Sweden, and Spain had been involved, and even Switzerland disturbed, and that the United States itself had been at war with Great Britain while the Latin American countries on this continent had also been in revolution against the parent Government of Spain, and then prior to the exile of Napoleon, as now after the armistice of 1918, the peoples of the earth demanded, as now they pray, that wars should cease and that peace should reign forevermore.

Just stop and think of this for a moment, Senators. We have heard here time and time and time again that the present war is a world war; that the world has never before witnessed such a war. In points of numbers of men engaged in the different armies that may be true. In point of money expended in carrying on the war that may be true. In point of numbers of States engaged it is not true. In the Napoleonic wars of 1797 up to 1813 every country of the world was in one way or another directly involved in the entente, and none stood out. As I pointed out, even the countries of Latin America and this country itself were then, as now, at war. The same demand always goes up that war shall cease. Just as sincere and honest men attempted to provide methods by which war should be prevented then, as any man is honest or sincere who is engaged in the present effort.

The conception of the creation of the Holy Alliance by the great chiliast of that age, Alexander the First, was not his conception. He was as fanatically sincere in demanding peace as was any man who ever lived. He became convinced that Napoleon was anti-Christ; that the time had come for the establishment of the millennium; and under the influence of the good Moravians, of Madam von Krudener, and others, he invited his brothers of Prussia and Austria to join him in establishing the reign of Christ on earth, to continue for a thousand years, to bring about the millennium; and to that end to join in extending an invitation to all nations of Europe to adopt and enforce the provisions of the constitution of the Holy Alliance.

Under the influence of the struggle of free men for freedom in France, then temporarily crushed, the patriots of other nations

and of kingdoms rose against their oppressors and sought to overthrow them or to extort from them a greater measure of self-government for the peoples, and being sincerely convinced that such internal conditions would threaten the peace of the world, a meeting of the members of the Holy Alliance was called for Troppau, and on the 19th of November, 1822, a protocol to the constitution of the Holy Alliance was adopted which was, in words, as follows:

States which have undergone a change of government due to revolution, the result of which threatens other States, ipso facto cease to be members of the European alliance and remain excluded from it until their situation gives guarantees for legal order and stability.

If, owing to such alterations, immediate danger threatens other States, the powers bind themselves, by peaceful means, or, if need be, by arms, to bring back the guilty State into the bosom of the great alliance.

I pause for a moment to read you the provisions of article 11 of the proposed constitution of the league of nations:

ARTICLE 2.

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.

It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Almost word for word the language of the Troppau protocol of 1822.

Under the provisions of the Troppau protocol, within a short time after its adoption, Austria, as mandatory for the alliance, overturned the liberal government in the two Sicilies, and France, as a mandatory for the alliance, overthrew the government of the Cortez and subverted the liberal constitution of 1812 in the Kingdom of Spain.

Russia had always been a friend of the United States, and during the period from 1815 until subsequent to the Spanish treaty of 1819 had acted upon more than one occasion as arbitrator of disputes between ourselves and other countries, or as our friend in diplomatically settling threatening disputes. Although she did not officially approach us with an invitation that we should join the alliance, it is well understood that certain officials of our Government or prominent Americans here were "sounded" by representatives of the Russian Emperor, only to discover that membership in such an alliance was not looked upon with favor here.

Castlereagh, prime minister of Great Britain, had refused to sign the constitution of the alliance or attend the meeting at Troppau, and thus England had not become a member, although the Prince Regent had expressed his adhesion to the principles announced. Yet Great Britain, wearied and worn by the years of war when she was engaged in breaking down Napoleon, felt that she could not defy the powers of the earth as she had defied Napoleon himself in the days of his supremacy, and hence was compelled to leave the Kingdom of Naples, the Kingdom of the two Sicilies, and the Cortez and the Government of Spain to their own resources, and stand by and see efforts for freedom in Europe crushed without daring to lift her voice or her hand in protest.

Finally, it remained for this young giant, this Nation, of all the others of the earth, to throw herself across the path of all of the conquering nations of Europe; and, through the voice of Jefferson and Monroe, to say to Russia, Prussia, Austria, Spain, and all the allied nations of the earth "thus far canst thou go and no farther," and "now and henceforth no nation of the Old World, or of any other hemisphere, can interfere with the Government or seize the territory of any country upon this hemisphere without dealing with the country of Washington, the United States of America."

And now, by another great chiasm, after a similar period to that preceding the formation of the Holy Alliance, we are requested—nay, we are commanded—to surrender our freedom, to yield our sovereignty, to subvert our Government, to become one of a league of nations, many worshipping no gods, or other gods, few among the peoples of the nations speaking our language, not one understanding the true patriotism of the United States nor the true spirit of our people nor the true form of our government.

We are asked to surrender that political freedom which of itself constitutes, out of all the forces known to man, the great force for freedom, for right, for justice—the unhampered, unswathed, untrammelled power of this great Nation of 110,000,000 people, governed under one law or form of government, breath-

ing the same air of freedom, speaking with the same tongue, and worshipping the one God. Untrammelled, free to act, to strike as we have just struck in defense of ourselves and what our own Government stands for, and to aid in striking down the military power which threatened the people of all the earth, we, and we alone, except for the sympathy existing between us and those other nations who desire right and justice, can and will command the peace of the world.

Joined with the other people of the world in this so-called peace treaty, joined with those nations every one of whom we are told, even by the President, sat at the peace table insisting and insistent upon selfish rights or claims or readjustment of rights or claims, of international boundaries and of new boundaries; constituting only a fraction of the governing body of the league, unable within the league to impress ourselves and our ideas and to make our demands as we could out of it, because of the fact that we delegate to others the right to vote, eight votes to one against us in any matter of selfish interest in which they can unite; we have not only destroyed the Government of our fathers but, in my mind, we have committed a crime against the nations of the earth, against civilization itself, and retarded for more than a thousand years that reign of Christ which we all hope will eventually bring the people of the earth together.

And yet, entertaining these convictions as sincerely as some of us do, we are criticized for uttering a word in defense of them by imitators or followers of one who dreams and has not yet learned with Kipling that he must not make dreams his master and that, thinking, he must not make thoughts his aim.

To such Senators as have criticized the opponents of the proposed league as being merely captious critics or political opponents, rather than in my feeble words I would answer in the words of the great expounder of the Constitution, Daniel Webster:

Sir, I love liberty no less ardently than the gentleman, in whatever form she may have appeared in the progress of human history. As exhibited in the master states of antiquity, as breaking out again from amidst the darkness of the Middle Ages, and beaming on the formation of new communities in modern Europe, she has, always and everywhere, charms for me. Yet, sir, it is our own liberty, guarded by constitutions and secured by union; it is that liberty which is our paternal inheritance, it is our established, dear-bought, peculiar American liberty, to which I am chiefly devoted, and the cause of which I now mean, to the utmost of my power, to maintain and defend.

ADDITIONAL PAY FOR DISCHARGED SOLDIERS.

Mr. CALDER. Mr. President, I have filed with the Secretary of the Senate this afternoon a gigantic petition collected by the Hearst newspapers of the United States, containing 6,100,000 names, urging the Congress to pay to every honorably discharged soldier, sailor, and marine of the European war a sum equal to six months' pay. This petition, addressed to the Members of the Senate and the House, is as follows:

To Congressmen and Senators:

The National Legislature, of which you are an honored Member, voted to take young men away from their homes, from their work, asking them to sacrifice their immediate future if necessary, their lives.

That was necessary legislation. The Nation approved it and thanks you for it.

I ask you to use your influence now and see to it that these young men returning from war are justly treated. Give them the same consideration that is given to the bigger man who is dealing with the Government financially, while the little man was simply offering his life.

I urge you to vote for a bill that will guarantee to every soldier at least six months' full pay after he leaves the Army—little enough and far too little to do for men to whom the country owes so much.

Mr. President, I ask that the petition be referred to the Committee on Military Affairs.

The PRESIDING OFFICER (Mr. MYERS in the chair). The petition will be referred to the Committee on Military Affairs.

INVESTIGATION OF HIGH COST OF LIVING.

Mr. SHERMAN. Mr. President, I offer a resolution and ask that it be read. Before the reading, I wish to state that it is merely to cover probably an oversight in another resolution authorizing the District of Columbia Committee of the Senate to conduct an investigation into the high cost of living. They are now engaged in that investigation by virtue of a resolution reported out from the Committee to Audit and Control the Contingent Expenses of the Senate, and passed, but some question has been raised by the proper officers of the Senate as to the sufficiency of that resolution. The chairman of the Committee to Audit and Control the Contingent Expenses is here, and I believe he will make no objection to the immediate adoption of the resolution. I ask that the resolution be read and referred to that committee.

The resolution (S. Res. 150) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof, be directed to inquire into the question of prices, rents, or related subjects in the District of Columbia and report to the Senate thereon, together with their recommendation of any steps which they may deem it necessary to take with a view to remedying the conditions.

Mr. CALDER. Mr. President, I had assumed that the report submitted several days ago covered this very subject, but some of the officials of the Senate have believed it does not, and with that in mind I report back the resolution favorably and ask for its present consideration.

The resolution was considered by unanimous consent and agreed to.

PRICE FIXING OF FOOD PRODUCTS.

Mr. KIRBY. I offer a resolution, which I ask may be read and lie on the table.

The resolution (S. Res. 149) was read, as follows:

Resolved, That the Senate Judiciary Committee be, and it is hereby, instructed to report whether it is feasible, and if so, to report a bill providing adequately for the fixing of a maximum sale price of not less than 25 per cent less than the prevailing market price on all articles, products, and commodities, transported in interstate commerce, with a view to the reduction of the high cost of living.

The PRESIDING OFFICER. The resolution will be printed and lie on the table.

ADDITIONAL PAY FOR DISCHARGED SOLDIERS.

Mr. THOMAS. Mr. President, a moment ago the Senator from New York offered a petition, if I understood it correctly, signed by 100,000 people—

Mr. CALDER. Six million one hundred thousand.

Mr. THOMAS. Signed by 6,100,000 people?

Mr. CALDER. Yes.

Mr. THOMAS. A petition asking for appropriate legislation giving to each soldier who served in the late war six months' pay. I will ask the Senator if he has made any estimate of what the aggregate sum would amount to which would be required if we should comply with the petition?

Mr. CALDER. I have not, but I will say, offhand, it would be somewhere in the neighborhood of \$500,000,000.

Mr. THOMAS. The Senator is \$220,000,000 shy. It would require \$720,000,000. It occurred to me that perhaps the 6,000,000 people who signed the petition were unaware of the fact that we would have to increase our present burden of taxation at least that sum of money, and they would have to pay a great part of it.

Mr. President, it seems that we are beginning a course here which, if continued, will not only bankrupt the United States but will smear all over the record of patriotism and valor made by this Army with the sign of the dollar mark.

ADDITIONAL PAY FOR PRINTING OFFICE EMPLOYEES.

Mr. SMOOT. Mr. President, from the Committee on Printing I report back favorably without amendment the bill (H. R. 5418) increasing the pay of printers and pressmen employed in the Government Printing Office, and for other purposes, and ask unanimous consent for its consideration.

I wish to take just a moment to state the reason why I make the request. Perhaps I had better talk plainly to the Senate, so that Senators may know the situation. The printers, linotype operators, monotype keyboard operators, makers-up, copy editors, proof readers, bookbinders, and bookbinder machine operators in the Government Printing Office to-day are receiving 65 cents an hour. Such employees are paid outside, at the lowest, a dollar an hour, and some of them \$1.25 an hour. The outside trade is taking them away from the Government Printing Office so fast that we can not keep up the printing required.

The requirements of the departments are such that we have got to secure more printers for the Government Printing Office or we shall be compelled to have a part of the printing done outside the Government Printing Office.

These employees are asking for \$1 an hour. The bill proposes to pay 75 cents an hour, an increase from 65 to 75 cents.

Mr. THOMAS. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. THOMAS. If I understood the Senator correctly, he stated that these printers are getting 65 cents an hour and are paying at the present time something over a dollar for sustenance for each 65 cents received. Is that correct?

Mr. SMOOT. No; I did not say that. I said printers outside doing the same work are paid from \$1 to \$1.25 per hour.

Mr. THOMAS. I misunderstood the Senator.

Mr. SMOOT. The outside trade is taking men away from the Government Printing Office so fast that it is impossible for

us to keep printers in the Government Printing Office to do the required work.

Mr. SMITH of Arizona. If the Senator will permit me, I think it has been demonstrated to us that whenever we do any outside work it costs largely more than when done by the Public Printer. It is for that reason, and that alone, and on account of the exigencies of the situation, that I am convinced, as I think is also the Senator from Utah, of the necessity for this increase.

Mr. SMOOT. I feel quite sure if we grant this 75 cents an hour, taking all the other questions into consideration, namely, the \$240 bonus that will go to each one, whether the pay is or is not increased, together with 30 days' leave of absence and 20 per cent increase for overtime, we can maintain the number of employees at the Government Printing Office that will be necessary.

I believe that Senators know me well enough to conclude that I would not be here pleading for this increase unless it were absolutely necessary. It is for that reason, and that only, that I ask unanimous consent for the present consideration of the bill. If it is not passed to-day, it can not go over to the House before their recess, as the House takes a recess to-morrow, and I should like to have it passed and signed before to-morrow afternoon.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That on and after the passage of this act the pay of all printers, printer linotype operators, printer monotype keyboard operators, makers-up, copy editors, proof readers, bookbinders, bookbinder-machine operators, and pressmen employed in the Government Printing Office shall be at the rate of 75 cents per hour for the time actually employed.

Mr. THOMAS. Mr. President, I do not oppose the passage of this measure. I could not do so successfully if I made the attempt. I merely wish, however, to reiterate the assertion that I have made on every similar occasion since the war began. It is that immediately after legislation increasing the compensation of Government employees the price of all necessities of life will rise in a similar ratio, with the result that instead of giving relief, however greatly it may be needed, we have simply used the employees of the Government as a conduit to take money from the Treasury of the United States and put it into the pockets of the purveyors. This bill may result in keeping printers in Washington in the Government service who otherwise would go elsewhere, but that it will cure the difficulty as is claimed I absolutely deny.

Mr. SMOOT. I agree with the Senator entirely upon that last proposition.

Mr. THOMAS. We are feeding an appetite for increased compensation in the vain hope that we can satisfy it. The appetite is a natural one, an unavoidable one, in view of existing conditions, but it is stimulated as the appetite of the inebriate is stimulated by the constant and increasing use of stimulants. We can no more overcome this problem of the high cost of living by an increase of compensation to employees of the Government than we can overcome the law of gravitation, and we might just as well try to repeal that natural law by a Federal statute as to attempt even to retard the progress of that inevitably recurring system of conduct by which prices adapt themselves to the means of the consumer.

The Senator from Utah, in his capacity as chairman of the Joint Committee on Printing, within six months from now in all probability will be here with a similar bill designed to keep the printers for the Government in Washington, because, in view of the added cost of living and the rise in wages elsewhere, they will be attracted from Washington.

Let me say, Mr. President, I would not regard the diminution of employees in the Public Printing Office as an unmixed evil. I think it is safe to say that 50 per cent of the printing done by the Government of the United States consists of time, printers' ink, and paper wasted. I think it is safe to say that less than 50 per cent of the material turned out by the Government Printing Office, which is the greatest in the world, is ever read by anybody, and it is certain that 95 per cent of it is forgotten before it is three months old.

The Senator from Utah remembers that some months ago he and I unsuccessfully resisted an application to print a report on the electric power in the United States, the object being to show that it was a monopoly. We said everybody knew it was a monopoly, that it did not require a printer's bill costing the Government \$91,000 to establish that proposition. We also said that nobody would read it after it was published, and that everybody would forget it within three months thereafter. I venture the assertion that not a single Member of the Senate

has ever read that ponderous document. I venture the assertion that not 10 per cent of those who now listen to me remember a thing about it or even the incident of its publication. So far as the public getting benefit from that money is concerned, we might just as well have taken it out to the incinerating furnace and destroyed it.

Let the bill pass. I shall not oppose it, as I said; but it will not affect anything except to minister to the tendency to increase prices and to diminish to that extent the money in the Treasury.

Mr. SMOOT. Mr. President, I simply want to say to the Senator from Colorado that the Joint Committee on Printing are now undertaking, with every power at their command under the law that was passed as an amendment to the legislative, executive, and judicial appropriation bill, to cut out needless publications, and the statement made by the Senator from Colorado is absolutely correct. There is at least one-half of the printing of the departments of the Government that never ought to be allowed. We are trying to cut it down, but, notwithstanding we have already cut it down at least \$100,000, we are short in the number of men required, and if we are going to do the printing that is required we must increase the pay. That is why I plead for this legislation at this time.

Mr. McCUMBER. Mr. President, I should like to ask the Senator what under the bill a printer will receive for ordinary work?

Mr. SMOOT. Each printer under the bill, counting in the \$240 bonus which began on the 1st day of July, will receive 85 cents per hour, and if they work eight hours a day it will be \$6.80 a day.

Mr. McCUMBER. What does a policeman receive?

Mr. SMOOT. Do you mean in the District?

Mr. McCUMBER. Yes; policemen in the District and policemen around the Capitol.

Mr. SMOOT. The policemen around the Capitol receive \$1,050 and \$240 bonus; that is \$1,290 a year.

Mr. McCUMBER. That is how much a day?

Mr. SMOOT. It is about \$4.30 a day, counting 300 working days in a year.

Mr. McCUMBER. Can the Senator give me a very good reason for paying a policeman, considering the intelligence there ought to be in the matter of police service, \$4.30 a day and paying our printers \$6.80?

Mr. SMOOT. I am not saying anything as to whether the policemen around the Capitol are receiving sufficient pay or not, but I do know that there is quite a difference between the service rendered by the police around the Capitol and the service rendered by a competent linotype operator or a first-class printer or proof reader, and that is the type of work we are trying to take care of and retain at this time.

I will admit to the Senator frankly that \$1,050 for policemen around the Capitol, under conditions existing to-day, is not sufficient. But I know we can get 10 policemen around the Capitol where we can not get one of this class of labor in the Government Printing Office.

Mr. McCUMBER. I think it shows, Mr. President, the bad system of selecting one class and raising wages without having a general bill to cover all classes of Government employees. There is no question that there are great inconsistencies and injustices under the present system which we have adopted.

Mr. SMOOT. There is no doubt that is true. Every printer, every linotype operator, who is in the Government Printing Office can leave there to-day and get at least \$1 an hour, and many of them are paid \$1.25 an hour in different shops throughout the United States. I will admit that if it were possible to regulate these things in a comprehensive, businesslike way that should be done, but we are up against a situation to-day that we must act upon or we can not do the work. I do not stand upon the floor of the Senate and talk this way unless I know what the true situation is.

Mr. TRAMMELL. Mr. President, I feel confident that the Senator reporting the bill has given us the true situation, and therefore I do not feel disposed to offer an objection to this bill, but shall support the same.

While we are discussing the subject of adjusting salaries and doing justice by those who are serving and those who have served their country I wish as one Senator to add my hearty indorsement to the sentiment of the 6,000,000 loyal and patriotic American citizens who have petitioned the United States Senate and the House of Representatives to do justice by the soldiers who went to the battle front and won the victory for our beloved country. I think, Mr. President, we have been a little tardy in doing justice by the men who responded to the call of their country, who endured the heat of summer, the chill of win-

ter, and bore the brunt of battle and carried the great sacrifices which brought victory to our Republic in the greatest of all wars.

Feeling that, as a grateful Nation, as an appreciative people, we should give a token to our soldiers who had so loyally served their country for a pittance of \$30 per month, the next day after the armistice was signed I introduced a bill providing that each soldier should be given a bonus of one month's salary. I did not restrict it to this sum because I thought that was all he merited. I restricted it to that amount, however, because at that time the War Department, so the papers stated, was willing to give approval to a measure paying them only such sum. The step was taken as an entering wedge. I tried to get the amount increased to three months. As an outcome of that the conferees adopted the \$60-bonus amendment.

Our soldiers who have been discharged and those who will be discharged have received \$60; but, Mr. President, I do not think that amount is sufficient reward, is sufficient recognition and token of the Nation's gratitude to these men who made the sacrifice and endured the hardship of the battle. I am heartily in sympathy with the sentiments expressed by these 6,000,000 people. From my observation and from the expressions that I have heard from the people throughout the country, I do not believe that it is the desire of the American people that the American Congress shall deal with the soldiers in a penurious way; that we shall withhold from them a just recognition of the Nation's gratitude. I do not know of anyone who objects to paying the bonus. So I arose, Mr. President, for the purpose of suggesting that the United States Senate and the House of Representatives should consider seriously the matter of enacting appropriate legislation to give a reasonable bonus to our soldiers who endured great hardships and won the victory for their Nation in the battles of the recent war.

Of course \$300,000,000 or \$400,000,000 looks like a tremendous sum, but when it comes to a question of making adjustments of other claims I have noticed running all through the governmental departments and all through the action of the Senate a disposition to repair any losses or any injuries that individual citizens or companies or corporations may have suffered, though they did not shoulder a gun and go to the battle front.

Who is there who can say that the soldier serving for \$30 a month did not make a sacrifice for his country that a grateful nation should reward when it is amply able to do so? I had a letter a few days ago from a friend of mine in Florida, who stated to me that he did not know what his son would have done in order to purchase a suit of civilian clothes and a few other articles of wearing apparel if it had not been for the \$60 bonus. By the time he paid his insurance and made certain contributions in the way of allotments to his parents he had the pitiable sum of five or six dollars left out of his salary. Many soldiers are left penniless when they quit the service, and I contend, Mr. President, that \$60 is not sufficient.

I believe the more equitable and just plan would be to place it upon the basis of a graduated scale—that is, those who have served from 90 to 120 days, allowing credit for the present bonus of \$60, should receive, say, \$90; those who have served from four to five months should receive \$120; those who have served from five to six months should receive \$150; and all who have served seven months or more, \$150. I believe, according to the scale which I have suggested in my amendment, those who have served from six to seven months should receive \$150. That would make the lower class, who had served less than three months, receive \$90, the next class \$120, the next class \$150, the highest class being \$150; with the \$60 already received, making a total of \$210.

I am not sure just what that would amount to, though I have asked both the Secretary of War and the Secretary of the Navy, respectively, to give me a report as to the number that would be in each class. I believe, however, that would be the more equitable plan.

I feel that we will be just a little tardy, just a little neglectful, if we delay much longer giving a substantial recognition to our soldiers. For that reason, Mr. President, I hope that the Military Affairs Committee of the Senate will deem it proper soon to give serious consideration to this subject.

Mr. WILLIAMS. Mr. President, I do not much believe in mixing up patriotism and money. I remember that after the Confederate soldiers came back home they not only did not have any bonuses but they did not have anything else except now and then a horse that Grant let them bring home to put in their crops.

Mr. TRAMMELL. Mr. President, will the Senator from Mississippi permit a question?

Mr. WILLIAMS. Yes.

Mr. TRAMMELL. Is it not a fact that all of the Confederate States have for years pensioned their soldiers in recognition of the service which they rendered for their country and that those States are doing so to-day?

Mr. WILLIAMS. Yes, Mr. President, the Southern States have pensioned such of their soldiers as have needed help.

I never have had much sympathy with mixing up money and patriotism; I never have had much sympathy with what is called the "roll of honor," giving a man money, whether he needed it or not, just because he had served his country in time of war. I do believe that every community, no matter how poor, ought to take care of those who in the service of their country have become crippled or otherwise disabled; but I can not find it in my heart to approve of any system that calls upon the citizens of a country to come pretty near bankrupting themselves because you or I or somebody else had been called into the service and did his duty in the service. I do not believe my boys want it; I do not believe the other boys want it; I do not believe any of them want to profiteer at the expense of their country. I do not believe that they want to capitalize their patriotism. We passed an act of insurance and indemnity and reparation, and Heaven knows what else, with the hope that it would take the place of pensions and bonuses.

I can not speak for all the soldiers coming back, but I do hope that our boys, having made a magnificent record in Europe for courage, fortitude, good nature, and enthusiasm, charging, as somebody has said, as if there was a bet as to which should reach the German trenches first, are not coming back with the idea of bankrupting the United States Treasury. Of course, if they wish to do that, they can do it; they have the votes; they can effect the necessary organization; they can influence politicians; they can make every Member of the Senate and of the House come up to the lick log, and, if they want to, they can literally bankrupt the Government; but I do not believe they want to do it; I know mine do not.

Mr. President, I have a reminiscence in my mind. I remember when old Maj. Pickett came to my grandmother and said, "Mrs. Sharp, you are entitled to a service pension because Capt. Sharp was an officer in the Mexican War." He was wounded at Buena Vista, but not seriously in the long run. My old grandmother, Scotch-Irish as she was, turned around and said, "Major, I will have you know that Capt. Sharp did not fight for money." I want the boys who wore the uniform of this country and who upheld its honor to be able to say that they did not fight for money.

Why, Mr. President, if we were going to pay a soldier what his service was worth, risking his life, risking his property, and risking the dependence of his family, it would be cheap at \$40,000 a year apiece, and if he demanded what it was worth he would bankrupt this country. You not only could not help yourselves, you not only could not pay the war debt, but you could not help the other nations of the world that need help. I do not believe that they want to enter into that sort of a conspiracy, although I have received letters from several of them that indicate the very utmost degree of selfishness and the utmost disposition to subject this Government to all sorts of demands that they can obtain from it in the way of money, but I believe they are a mere minority.

Mr. President, I rose, however, for the purpose of presenting an amendment to the pending bill. If we have reached the proper place for its consideration, I want it considered, but if not I want it pending. I move to strike out the period in line 8, after the word "employed," insert a comma, and add the words "the compensation for the foreman of printing, the foreman of binding, and the foreman of press work is increased from \$2,500 to \$3,000."

A friend of mine brought this amendment to me and told me that it ought to be adopted. I promised to offer it and I promised to make the best argument in favor of it that I could. Meanwhile I have had a talk with the Senator from Utah [Mr. SMOOT], who tells me that for certain reasons it ought not to be adopted. Notwithstanding his argument I think it ought to be adopted, because I believe that if the other members of the force are to have their salaries increased these men ought to have theirs increased proportionately. I shall leave it for the consideration of the Senate.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi.

Mr. SMOOT. Mr. President, I simply wish to say a word. I sincerely hope the Senate will not approve this amendment. The object of asking for the consideration of the bill at this time is so that it may be returned to the House of Representatives to-morrow and be signed before that body adjourns.

Mr. LODGE. Mr. President, I will say to the Senator that I have just heard from the House that they are not going to adjourn.

Mr. SMOOT. I heard a few moments ago that there was such a suggestion.

Mr. LODGE. They have received a message from the President of the United States asking them to remain in session.

Mr. SMOOT. So I have heard.

Mr. President, the three men who are involved in the amendment of the Senator from Mississippi are receiving to-day \$2,500 a year, and they will also receive the \$240 bonus, making \$2,740. What the committee had in view was to take care of the men who are to-day only receiving 65 cents an hour, and we are in hopes that nothing more will be added to this bill. Therefore, Mr. President, I trust the Senate will not adopt the amendment offered by the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, it seems to me that we ought to treat the public employees fairly relatively to one another, and if you are going to increase the salaries of these other people the salaries of the foremen ought to be increased also. I do not wish to express an opinion as to how much they should be increased, although I have offered an amendment stating how much; but I do think it is very unfair to increase one and not increase another, although you carry one under the description of a bonus and the other under the description of a salary.

Mr. SMITH of Arizona. Mr. President—

Mr. SMOOT. No; the Senator is mistaken about that. They all get the bonus of \$240. The only reason why I referred to that was because the Senator's amendment proposes to increase them from \$2,500 to \$3,000, whereas they get to-day \$2,500 and a bonus since the 1st of July of \$240, making \$2,750.

Mr. WILLIAMS. Do they all get \$2,500? Some of them get only \$2,300, as I understand.

Mr. SMOOT. No; I will say to the Senator that the foremen get \$2,500.

Mr. WILLIAMS. Well, I will leave it to the good sense of the Senate. I think the amendment ought to be adopted.

Mr. FLETCHER. Mr. President, may I ask what the amendment is?

Mr. SMOOT. It is to increase the salary of the foremen of printing and binding from \$2,500 to \$3,000.

Mr. FLETCHER. It is offered as an amendment to the House bill?

Mr. SMOOT. It is offered as an amendment to the House bill by the Senator from Mississippi [Mr. WILLIAMS].

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNATIONAL LABOR CONFERENCE.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably, with amendments, the joint resolution (S. J. Res. 80) to authorize the President to convene the first meeting of the international labor conference in Washington and to appoint delegates thereto, and I ask for its present consideration.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

Mr. THOMAS. Mr. President, reserving the right to object, I ask to have the joint resolution read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The SECRETARY. The committee proposes to strike out the preamble, and the joint resolution reads:

Resolved, etc., That the President of the United States be, and he hereby is, authorized to convene and to make arrangements for the organization of such first meeting of the said conference and to appoint delegates thereto: Provided, however, That nothing herein shall be held to authorize the President to appoint any delegates to represent the United States of America at the said meeting of such conference or to authorize the United States of America to participate therein unless and until the Senate shall have ratified the provisions of the said proposed treaty of peace with reference to such general international labor conference.

Mr. LODGE. There are some amendments proposed by the committee.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments were, on page 2, lines 2 and 3, strike out the words "such first meeting of the said conference and to appoint delegates thereto" and insert "a general international labor conference to be held in Washington, D. C."; in line 6 strike out the words "the said meeting of"; in line 9, after the words "treaty of peace," insert the words "with Germany"; in line 9 strike out the word "such" and insert the article "a." The amendments were agreed to.

Mr. WADSWORTH. May I ask the Senator from Massachusetts just exactly what the effect of this will be? It is impossible for a Senator hearing the joint resolution read in this way to know what it proposes.

Mr. LODGE. I ask that the joint resolution be read as amended.

The VICE PRESIDENT. The Secretary will read the joint resolution as amended.

The Secretary read as follows:

Resolved, etc., That the President of the United States be, and he hereby is, authorized to convene and to make arrangements for the organization of a general international labor conference to be held in Washington, D. C.: *Provided, however,* That nothing herein shall be held to authorize the President to appoint any delegates to represent the United States of America at such conference or to authorize the United States of America to participate therein unless and until the Senate shall have ratified the provisions of the proposed treaty of peace with Germany with reference to a general international labor conference.

Mr. THOMAS. I assume that the purpose of this joint resolution is to provide for a meeting of an international labor conference such as is provided for in part 13 of the treaty. Is that correct?

Mr. LODGE. That is the labor conference that is covered by it, undoubtedly.

Mr. THOMAS. The treaty, among other things, requires the league of nations to pay the expenses of these conferences. Do I understand that this meeting, if held, and if the treaty in the meantime should be ratified, would be subject to that requirement?

Mr. LODGE. Mr. President, as I understand the treaty, certain expenses are paid by the powers appointing delegates. Other expenses are paid from the general fund of the league. There is no provision in the treaty that I have been able to find for that general fund.

Mr. THOMAS. I know there is not.

Mr. LODGE. I do not know where it is coming from, and I do not know anything about it; but it is mentioned in that article; so I suppose there will be a general fund.

Mr. THOMAS. The contingency I have in mind is that if such a fund is not provided by that time, Congress will be requested to make an appropriation for the payment of these expenses.

Mr. LODGE. I think it highly probable.

Mr. THOMAS. The provision to which I refer is article 424:

The first meeting of the conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the annex hereto.

Arrangements for the convening and the organization of the first meeting of the conference will be made by the Government designated for the purpose in the said annex.

That is the United States.

That Government shall be assisted in the preparation of the documents for submission to the conference by an international committee constituted as provided in the said annex.

The expenses of the first meeting and of all subsequent meetings held before the league of nations has been able to establish a general fund, other than the expenses of delegates and their advisers, will be borne by the members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Of course I am unable to say when the Senate will finally vote upon the treaty. It may be that the treaty will be disposed of in some fashion before this meeting is held in October, and it may not; but I think the Congress should bear in mind the possible contingency of a request made to it to meet these expenses, or some of them, out of the Public Treasury.

Mr. LODGE. Mr. President, this joint resolution, introduced by the Senator from Iowa, came before the Committee on Foreign Relations, and we heard the Secretary of Labor in regard to it this morning. It is desired simply that the President should be relieved from the inhibition placed upon him by a clause in the general deficiency act approved March 4, 1913. That clause prohibits the President from calling conventions of any kind. This was to give him the opportunity to call this convention, but there is no authority given—in fact, the authority is expressly withheld—to appoint delegates or to have the United States participate. This merely gives authority to the President to issue invitations to the labor delegates of other nations. The committee amended the joint resolution and presented it to the Senate and asked for immediate action, because it seems important—it seemed more important this morning—that there should be immediate action this afternoon.

Mr. KENYON. Mr. President, will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield.

Mr. KENYON. As the joint resolution now reads, the expenses of the different delegates of these various countries will be borne by the nations themselves.

Mr. LODGE. That is in the treaty.

Mr. KENYON. No; but as the matter now stands, if we pass this joint resolution, there is nothing in it about the expense.

Mr. LODGE. No; there is nothing in it about expense.

Mr. KENYON. Each nation would have to bear the expenses of its own delegates.

Mr. LODGE. That is provided in the treaty.

Mr. WILLIAMS. But even if there were no treaty and if we made no appropriation they would have to do it anyhow.

Mr. LODGE. We shall have to make an appropriation probably to care for them when they are here. I fancy nothing very large.

Mr. KENYON. That is a question that may arise later.

Mr. WILLIAMS. And there will be no American delegates unless, in the meantime, the treaty shall have been ratified.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Massachusetts if it would not be wise to put in this joint resolution the usual provision in the case of joint resolutions of this kind, that no future appropriation shall be made for the expenses of the delegates or the conference?

Mr. LODGE. Why, Mr. President, that is all provided for in the treaty. If the meeting is ever held, it is provided for in the treaty. The joint resolution did not go beyond that point, and the committee thought it wise not to go any further.

Mr. WADSWORTH. Will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield.

Mr. WADSWORTH. If the Senator has said so before, I did not happen to hear it; but will the Senator now say upon what date it is planned that this conference shall be held?

Mr. LODGE. In the treaty it is fixed for October, 1919. The joint resolution fixes no date. It leaves it to the President to convene it when he chooses.

Mr. WADSWORTH. Then the best answer to the inquiry is that the treaty fixes the date?

Mr. LODGE. The treaty fixes a date.

Mr. WADSWORTH. A date. Then this really means the meeting to be held under the treaty, or is it quite uncertain as to when it is to be?

Mr. LODGE. No; it leaves it to the President to select any date that he may desire. The date was left out purposely.

Mr. WADSWORTH. I was wondering what is the cause for haste in consideration.

Mr. LODGE. The cause for haste is that the House wants to adjourn for five weeks to-morrow. There seems to be a cloud of uncertainty over that adjournment, but that was the basis of the haste and demand for immediate action; and the Senate committee complied with the wishes of the Secretary by bringing it in at once this afternoon.

Mr. WADSWORTH. Is the Senator from Massachusetts quite confident that the passage of this joint resolution by the Senate will have no bearing whatsoever upon the Senate's consideration of the peace treaty and the covenant of the league of nations?

Mr. LODGE. I can not see how it has any. The peace treaty is alluded to where we prohibit the appointment of delegates, which was in the original joint resolution. I do not think the allusion there made will have any effect on ratifying the treaty.

Mr. WADSWORTH. The Senator from New York is glad to be assured of that.

Mr. KNOX. Mr. President, I should like to say why I was willing to vote for this joint resolution. The Secretary of Labor, representing, of course, the administration, appeared before the Committee on Foreign Relations this morning and asked to have this, or practically this, joint resolution passed.

I understood from his statement—and if I am not correct about that the Secretary is present and somebody can answer for him—that if this joint resolution were passed it would have no relation whatever to the treaty. The resolution as presented by the Secretary of Labor contains a distinct provision that the United States is not to be represented at this conference unless and until the proposed treaty of peace with Germany is ratified. Speaking for myself, I do not propose to be put in the position that I am estopped in any way, by voting for the joint resolution, from opposing the treaty in any or all its provisions as I see fit, and if it is not so generally understood by the Senate I shall oppose the consideration of it and vote against it.

Mr. WILLIAMS. How could it be otherwise understood?

Mr. KNOX. I do not think it is otherwise understood.

Mr. KENYON. Mr. President, I introduced the joint resolution at the request of the Secretary of Labor, because a very embarrassing situation had arisen—embarrassing to the administration and to him. The position stated by the Senator from Pennsylvania is exactly the position of the Secretary of Labor.

If the treaty shall be ratified in the meantime, then possibly other questions will arise. But this measure has in its present form nothing at all to do with the treaty; nobody is estopped by any action he may take here, and that is thoroughly understood.

Mr. LODGE. Of course, Mr. President, if there had been any thought that this measure had anything to do with the ratification of the treaty or affected it in any way it certainly would not have been reported, as it has been, with the unanimous favorable vote of the committee. It has, in my judgment, no effect whatever upon the treaty, its ratification, or its amendment.

Mr. POMERENE. Mr. President, if I may add a word, it was especially called to the attention of the committee by the Secretary of Labor this morning that the treaty itself provided that it should take effect, as between the parties ratifying it, so soon as it was ratified by three of the nations. The treaty itself provides that the President shall call this first international convention, so it follows that as soon as the treaty is ratified by three or more of the signatory powers there is a request in the treaty itself to the President to call this convention together.

It is simply a courtesy, as it seems to me, to the other nations that may ratify the treaty, and every one understands, of course, that it will have no influence whatever upon the individual judgment of any Senator who may be called upon to act in regard to the treaty later on.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The committee recommends the striking out of the preamble, and it will be stricken out without objection.

The title was amended so as to read: "A joint resolution to authorize the President to convene a meeting of an international labor conference in Washington, D. C."

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

REPEAL OF DAYLIGHT-SAVING LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3854) for the repeal of the daylight-saving law.

Mr. CUMMINS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegge	Harris	Nelson	Smith, S. C.
Calder	Johnson, Calif.	Nugent	Spencer
Capper	Johnson, S. Dak.	Overman	Sutherland
Colt	Jones, N. Mex.	Penrose	Swanson
Cummins	Kirby	Phipps	Thomas
Dial	Knox	Pittman	Underwood
Elkins	La Follette	Pomerene	Wadsworth
Fall	McKellar	Sheppard	Walsh, Mass.
Fletcher	McNary	Sherman	Warren
Gay	Moses	Smith, Ariz.	Watson
Gerry	Myers	Smith, Ga.	

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. KING, Mr. POMERENE, and Mr. TRAMMELL answered to their names when called.

Mr. CHAMBERLAIN and Mr. NEW entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present.

Mr. CUMMINS. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. GRONNA entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. CUMMINS. Mr. President, I intend to keep my promise in regard to this bill. All that I desire to say is that a vote in the affirmative means the repeal of the daylight-saving part of the act of 1918. A vote in the negative means the retention of the so-called daylight-saving law. I believe that every Senator knows precisely how he wants to vote upon the question, and I have no intention of further taking up the time of the Senate.

Mr. WARREN. Mr. President, may I ask the Senator what is done about the matter of standard time?

Mr. CUMMINS. That is not disturbed.

Mr. WARREN. I remember that that was the occasion of the veto.

Mr. CUMMINS. No; it was not.

Mr. WARREN. I mean, as it appeared in the papers.

Mr. CUMMINS. The veto was lodged against the proposal in the bill to advance the clock one hour at a certain time of the year and to retard it one hour at another time of the year. That is the provision as contained in section 3 of the act to which I have referred. The other two sections of the bill remain as they were originally.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from Iowa if this bill attempts to accomplish the same purpose as the amendment that was in the bill that was vetoed by reason of the amendment?

Mr. CUMMINS. I think this is identical with that.

Mr. PITTMAN. Then, Mr. President, I make the point of order against the bill on the ground that it is identical legislation with legislation that at this session of Congress was defeated by a veto of the President, and a failure of the Congress to pass it over the veto by a two-thirds vote.

Mr. GRONNA. Mr. President—

Mr. CUMMINS. Mr. President, may I correct myself? The bill, of course, accomplishes the same general result with regard to the daylight-saving portion of the law as it now is; but it is not identical with the amendment that was attached to the Agricultural appropriation bill in that the first two sections of the act of 1918 are retained in the present bill, and no mention was made of them in the amendment that was attached to the appropriation act. So there is no identity of bills or measures. There is a certain identity in the objects to be accomplished.

Mr. PITTMAN. Mr. President, I take it that the substance of the legislation is the same, and that merely stating it in different language would be an evasion of the rule of the Senate. If it were not so, this body could be compelled to vote time and time again upon, in substance, exactly the same legislation after it had been defeated.

The VICE PRESIDENT. The Chair is not in possession of the language of the original bill, so as to make a comparison. The Chair is clearly of the opinion that when a measure has once been defeated in this body it can not be again introduced and voted upon at the same session of the Senate; but this was not defeated, even if it was in the same terms. This was passed by the Senate.

Mr. CUMMINS. Mr. President, I assumed that all Senators were familiar with the general course of this legislation.

This is a House bill. It has come to the Senate in the regular way. It has been reported by the Committee on Interstate Commerce by a large majority of that committee. The act of 1918 provides, in its first section:

That for the purpose of establishing the standard time of the United States the territory of continental United States shall be divided into five zones in the manner hereinafter provided. The standard time of the first zone shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree; that of the third zone on the one hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska, on the one hundred and fiftieth degree. That the limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with foreign nations, and such order may be modified from time to time.

The section I have just read remains unaffected by the bill now before the Senate.

Section 2 provides:

That within the respective zones created under the authority hereof the standard time of the zone shall govern the movement of all common carriers engaged in commerce between the several States or between a State and any of the Territories of the United States, or between a State or the Territory of Alaska and any of the insular possessions of the United States or any foreign country. In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed.

That section of the act of 1918 remains unimpaired, untouched, by the bill that is now before the Senate.

Section 3 of the act to which I am referring, the act of 1918, reads as follows:

That at 2 o'clock a. m. of the last Sunday in March of each year the standard time of each zone shall be advanced one hour, and at 2 o'clock a. m. of the last Sunday in October in each year the standard time of each zone shall, by the retarding of one hour, be returned to the mean astronomical time of the degree of longitude governing said zone, so that between the last Sunday in March at 2 o'clock a. m. and the

last Sunday in October at 2 o'clock a. m. in each year the standard time in each zone shall be one hour in advance of the mean astronomical time of the degree of longitude governing each zone, respectively.

The bill before the Senate repeals that section of the act of 1918. The amendment attached to the Agricultural appropriation bill repeals the entire act of March, 1918; so it can not be said that there is any complete identity between the amendment put upon the appropriation bill and the bill now before the Senate.

The VICE PRESIDENT. This is the repealing clause of the Agricultural appropriation bill:

That at and after 2 o'clock a. m. on Sunday, October 26, 1919, next, the act entitled "An act to save daylight and to provide standard time for the United States," approved March 19, 1918, be, and the same is hereby, repealed.

That was a repeal of the entire statute, while this is only a repeal of one section. The point of order is overruled.

Mr. FLETCHER. Mr. President, I do not care to take up any time in discussing the bill. I will simply mention the fact that the effect of the law as it stands is to cause the people in Florida to advance their clocks and watches two hours, and it is rather inconvenient; so the present condition is that at 7 o'clock in the morning it is scarcely daylight and at 8 o'clock in the evening it is full daylight.

I ask to have inserted in the RECORD a communication signed "Nina H. Weaver, lecturer, Grange No. 957, Clintondale, N. Y., July 16, 1919," which a constituent sends to me with his approval and which seems to me to furnish all the argument that need be offered.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CHILDREN AS WELL AS COWS.

To the Editor of The Tribune.

SIR: In your editorial of yesterday, "Daylight saving to continue," you speak as though the only possible objection to the thoroughly childish setting of the clock one hour ahead was that the dairymen have to catch earlier trains. I have no doubt that you will class the objections I cite here as "avoidable inconveniences," and in that I will agree; but the only method of avoidance is repeal.

Our children have to go 4 miles to school, and where rising at 7 o'clock used to be early enough now it is 6, and they can't get the needed sleep in the evening, for it is daylight. I haven't heard one mother of small children speak in favor of daylight saving.

Not only is it difficult for farmers to harvest their hay and grain with the dew heavy on their crops in the morning and the help quitting work at 4 o'clock (sun time), just as the grain is in the best condition, but the fruit growers also have to leave their currants and berries, their grapes and pears, their peaches and apples, until the morning is half gone, and then when the picking is good the pickers are gone.

But you will say this matter could be arranged between the farmer and his employees, so that they will stay later. Why could not the matter be arranged between the city employer and employees so that they go to work an hour earlier? Then they will have their coveted hour extra for recreation without upsetting the whole country and causing such great discomfort, inconvenience, and pecuniary loss to a good half the population.

The newspapers, politicians, and the President himself, with the other devotees of the labor unions, make the mistake of thinking the farmers are in a little world of their own, which they need not so much as notice, not to mention giving their rights any consideration. But your newspaper advertises "First to last—the truth," but on the questions which concern agriculture you have very distorted views, and I would advise that you search out the truth. It is not enough for any paper to portray the public sentiment just around it; it should seek to portray the best public sentiment and lead up to the best American ideals, which include some regard for the rights of others.

NINA H. WEAVER,
Lecturer, Grange No. 957.

CLINTONDALE, N. Y., July 16, 1919.

P. S.—As an item of information I might add that the grange, the Dairymen's League, the farm bureau, the horticultural societies and all farmers' organizations are opposed to the daylight-saving law.

Mr. LODGE. Mr. President, the House will probably rescind the concurrent resolution to-night, and certainly to-morrow, I think. In any event, it will be necessary for the Senate to be in session, because the concurrent resolution can not be rescinded without our joining them in the act. Therefore, unless the Senator from Iowa desires to go on at this hour—

SEVERAL SENATORS. Let us vote.

Mr. LODGE. Very well.

Mr. CALDER. Mr. President, I shall occupy the time of the Senate for only a moment or two.

This matter has been voted upon by the House four separate and distinct times during the present session: First, when the bill we are considering passed the House; second, when the Senate amendment to the agricultural bill, referred to a moment ago, was agreed to by the House; third, when the effort was made, which failed, to override the President's veto; fourth, when an amendment was offered to the agricultural bill containing the same language as the bill now under consideration. At that time it was defeated by a very large majority. We are now really attempting to pass a bill which will cover the same ground as the amendment in the agricultural appropriation bill which the President vetoed and upon which the Senate has already acted.

I do not think it is necessary for me to go into the details of this measure. The Senator from Colorado [Mr. PHIPPS] this morning had read into the RECORD a letter from the anti-tuberculosis league of the United States, in which it was contended that this law was helpful to the health of the country. Every one of us, I am sure, has received letters, telegrams, and petitions on this subject from all over the country. My own judgment is that at least 80 per cent of the people of the United States desire this law to continue.

No measure that has been passed in recent years has been more appreciated by the teeming millions of our citizens who are employed in the factories, workshops, and offices of the country.

It has afforded these people an additional hour of recreation at the close of the day. It has given men who labor, an opportunity of enjoying an additional hour with their families while there is still daylight, tending to their gardens, and working around their homes. It has exchanged, for a vast majority of our people, an hour of daylight for an hour of darkness.

Undoubtedly the President will veto this bill again, and the Senate will have wasted its time in the discussion of it. I received a letter this morning from a citizen of my State who said that he thought the Senate, rather than engaging in passing legislation attempting to repeal this law, or discussing the league of nations or prohibition legislation, might better be engaged in doing something to reduce the high cost of living. I say so, too.

This measure, in its operation last year, undoubtedly saved at least 1,500,000 tons of coal which otherwise would have been used, and reduced the bills for artificial illumination at least 10 per cent in the seven months of its operation, and I think it fairly can be said by those who have studied the question that the vast majority of our people wish to have it continued.

I hope, Mr. President, that the bill will be voted down.

Mr. GRONNA. Mr. President, I had not intended to say a word on this bill because I did not deem it necessary, but after listening to the statement of the Senator from New York [Mr. CALDER] that it would be a saving of untold millions to the people of this country to continue to keep on our statute books this so-called daylight-saving law, I believe that I should say a word. I think that it can be demonstrated that the law has been a detriment to the producers of this country, and I do not believe that the claims made by the friends of this bill to the effect that it has saved our country many millions of dollars can be substantiated by facts.

Mr. President, let us look at this question for just a moment. Labor is scarce and difficult to obtain on the farm at the present time. Those who are familiar with farm work know that when 6 o'clock comes the farm laborer is ready and will quit his work. Every one of us ought to know that, during the summer time at least, when the farmer goes to work in the morning his work must be postponed for an hour or two because of the heavy dew which he finds in the field. With this law in effect he loses an additional hour. It has been estimated, I do not know with what accuracy, that by reason of the present law there has been an actual loss to the farmers of the United States of from ten to fifteen million dollars a day.

If this be true, may I ask the Senator from New York, or some other Senator, how it can be argued that this law has been the means of saving the people of this country any money whatsoever? It has been stated that this law has saved the people of this country a million five hundred thousand tons of coal by reducing the use of artificial light. This can not possibly be true, because the present law provides that at 2 o'clock antemeridian on the last Sunday of March the standard time of each zone shall be advanced one hour, and that on the last Sunday in October the clock is moved back one hour, so that this law operates between the last Sunday in March and the last Sunday in October. How can it be argued that there is a saving in fuel and light by advancing the clock one hour during the summer months? I think it must be conceded by everyone that during the summer and fall months it is daylight at 6 o'clock in the evening sun time, but let me remind you that at 6 o'clock new time in the morning, which would be 5 o'clock sun time, it is not daylight, and the farmer who has chores to do will have to use a lantern in the barn for an extra hour for at least two months during this period of time, and the housewife is compelled to burn electricity, kerosene oil, the tallow candle, or whatever she may have to burn at least one hour longer. This statement can not be contradicted, so where is your saving in coal or oil?

Mr. President, I simply want to say that every farm organization in this country is opposed to the legislation which was enacted on this subject. I want to state further that several labor organizations in the cities have sent memorials to me as chairman

of the Committee on Agriculture and Forestry protesting against the law and asking for its repeal. I can not state with accuracy that a majority of the laboring men are against the law, but I believe that a large majority of those who really perform labor are against it, and, as suggested by the Senator from Wisconsin [Mr. LA FOLLETTE], the American Federation of Labor voted by an overwhelming majority in favor of the repeal of the law.

Mr. President, the hour is late and I can not possibly take up the time of the Senate to intelligently discuss this subject. I simply want to say that this is a law in the interest of no one; that it is only for the convenience of a few who wish to play golf or some other game of recreation and amusement, to which, of course, I have no objection; but I repeat that the farmer is the only one who actually sustains a financial loss, and I challenge contradiction of that statement by anyone.

Mr. President, I have a great many letters and memorials from people throughout the country asking for the repeal of this law. I ask unanimous consent to have a few of these letters and resolutions printed in connection with my remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and leave is granted.

Article from Stockman and Farmer:

DAYLIGHT SAVING.

Agriculture, the greatest industry in America, was responsible for the repeal of daylight saving, which it has found after fair trial to be a costly nuisance. Agriculture is consequently disappointed by the President's veto. No one who is familiar with the operation and effect of daylight saving outside of cities can possibly agree with the President's statement that it "gave all but universal satisfaction." Outside of the city, and in some cities also, it gave all but universal dissatisfaction, or farmers would never have insisted on its repeal. Dairy farmers, who normally work all hours of daylight, can't see why they should work in the dark for the sake of industrial classes, who work only eight hours at any time. Other farmers are too dense to understand why they should pay men to work when it is impossible to do anything so that other men can quit in the middle of the afternoon. The end of this matter is not yet in sight. The present plan is intolerable to agriculture and the law must either be repealed or some adjustment made whereby farmers are relieved of its resulting waste of time and labor, already inadequate to save the crops. The President's veto will probably stand, and unless farmers can show him some things he apparently doesn't know they have a slim chance of getting rid of daylight saving.

Letters from "A Farmer and Dairyman," urging repeal of daylight-saving law:

WEST NEWTON, PA., July 21, 1919.

Senator GRONNA, Washington, D. C.

DEAR SENATOR: We see by the daily paper that you are taking a noble stand in the interest of agriculture and justice to the American farmer and dairyman, and you can surely count on the farmer and dairyman as your friends, and we hope you will continue the fight until you win.

We have written a letter to the President, which we send to you for inspection. If you think it would do our cause any good, would like for you to take a copy and have it published, particularly an article which we have inclosed from the Stockman and Farmer, the greatest farm paper in the United States. If you think it would be any offense to the President to publish a letter that was addressed to him, we would not want it published or for him to know that you had inspected it, without you could arrange in such a way that he would not know how you received a copy. Please inclose the article and letter as soon as possible.

With best of wishes, I remain,
Your friend,

A FARMER AND DAIRYMAN.

WEST NEWTON, PA., July 21, 1919.

Mr. WOODROW WILSON, Washington, D. C.

DEAR PRESIDENT: We notice by the Pittsburgh paper that Congress is going to attempt to attach a rider to the new Agricultural bill and that you were likely to veto it again. We thought if you knew the hardships it caused the farmer and dairyman you would not do so.

While you were absent from this country during the last session, the Chamber of Commerce of Pittsburgh took a very active part in trying to prevent the law from being repealed. We have never understood why they are so active, as they have no interest in it, particularly no vital interest, as they are business men and men of wealth, and that they sleep until 9 or 10 o'clock, and some, perhaps, later, and many of them spend the balance of the day motoring. I spent 20 years of my life in town, and I know whereof I speak. The dairyman and farmer are the ones that have a vital interest, and their wishes certainly should have the preference.

We farm and dairy, and we get up a little after 4 o'clock, making it just a little after 3 by the correct time, and other dairymen who have more cows and five or six miles to go to the train have to get up about half past 3, making it half past 2 by sun time. A farmer who has men to help him through harvest loses an hour a day on each man he has employed in the harvest field. The men come at 7 o'clock and quit at 4, and most of the mornings there is such a heavy dew that it is almost noontime before you can commence work in the harvest field, and you have to find the men something else to do until that time. If it was not for the new time, we could get an hour's more work during the day in the harvest field. The law was passed as a war measure. The farmer and dairyman stood it without any complaint. No one cares to go to bed before dark, which is about 10 o'clock, new time, and getting up at 3 or 4 o'clock, which gives them only five or six hours sleep, which, of course, you know is not enough. We see in an article from Washington that Congressmen who are against the repeal are enjoying the sport of the fight, and the farmer and dairyman have to stand the blunt. According to the papers, when you wrote the veto you made the statement that the law had given almost universal satisfaction, which was not justified by facts.

As Congress represents all parts of the country, if you would consider their vote, which was 223 to 122 in favor of the repeal, and the Senate 50 to 6, ought to be evidence that people are universally dissatisfied. There was quite a number of towns that refused to turn the clock forward. Because of a few business men who have no vital interest at all, and who think their opinion represents every person's opinion, has led you to believe that the law has given satisfaction. The paper states that some of the Congressmen who are in favor of the law, and some of the business men, want to see more sunshine.

If they would get up in the morning and go to work at 7 o'clock like other people they would see more sunshine, or come to the country and help the farmers to dairy they would get all the sunshine that is coming to them. There is not any evidence of any particular benefit being derived from getting to work an hour earlier by people of the cities, but even if there had been the same thing could be accomplished without changing the clock. You have been a strong advocate of justice and humanity and the farmers are not asking anything but that which is just and right, the correct time—sun time. Now, for the sake of humanity for the farmer and dairyman, whose family has to get out at 3 o'clock in the morning, we hope that you will recommend to Congress the repeal of this obnoxious law.

Many of the soldiers who were formerly on the farm are not going back to the farm, and there are many boys leaving the farm every year and going to town, where they can go to work at 7 and quit at 4 or 5. They do not care for the farm and dairy, where they have to get up at 3 o'clock and work until dark. If the exodus of the young men continues to increase from the farms the food problem may become serious in the future, and any legislation by Congress, or any action by the President which makes farm life more unpopular to the young men on the farm, it is certainly not wise.

Some of the Congressmen claim there was a saving of fuel. The report made to Congress last fall that there was no saving at all in the Pittsburgh district and there was only a few cities in the United States that reported any saving, and no doubt that was because fuel was high and hard to obtain and for patriotic reasons.

We know that in this section that the time the law went into effect, the 1st of March, and it will be the same this fall, commencing about September, that men who go to work at 7 o'clock were going just about daylight, and by changing the time they were pushed back into the dark an hour. Now if it should take one quart of oil for each family in the morning and if people would go to bed an hour earlier in the evening and save a quart where would be the gain? If the clock had been moved back, then all men who go to work at 7 a. m. and their families could have gotten up at daylight or after, and had gone to bed an hour earlier in the evening, then there would have been some sense in the fuel-saving claim.

Now, taking all these things into consideration we believe you will come to the conclusion there is nothing in the law, not even good common sense.

In the Canadian Parliament the same kind of bill was proposed but did not pass. One of the reasons given was that it would cause an ill feeling between the city and country people, but our "sunshine" Congressmen do not take that into consideration. Please find inclosed an article from the Stockman and Farmer, the greatest farm paper in the United States, which we hope you will consider carefully.

Hoping you will consider this letter kindly, with the greatest respect and good will for our President, we remain,

Yours, truly,

A FARMER AND DAIRYMAN.

A letter from Bloomfield, Conn., requesting repeal of the law:

TUNXIS GRANGE, No. 13, P. of H.,
Bloomfield, Conn., May 6, 1919.

To the Members of the Senate and the House of Representatives, Washington, D. C.:

We, members of Tunxis Grange, No. 13, P. of H., Bloomfield, Conn., have passed the following resolution requesting the next Congress to repeal the so-called "daylight-saving law."

We consider it detrimental, unnecessary, and actual injustice to the farmer.

Very cordially, yours,

F. M. MAUSUR, Master.
ANNIE M. CHRISTENSEN, Secretary.

A telegram from Riverside Grange, No. 125, of New Jersey, comprising 300 members, requesting repeal of the law:

THREE BRIDGES, N. J., June 13, 1919.

THOS. C. ATKINSON,

303 Seventh Street NW., Washington, D. C.:

Riverside Grange, 125, of Three Bridges, N. J., comprising 300 members, requests your support in the repeal of the daylight-saving bill now pending in Congress.

VAN WALDRON, Secretary.

A memorial from the Marion County Farm Bureau urging the repeal of the law:

SALEM, ILL., July 18, 1919.

AGRICULTURAL COMMITTEE,

Washington, D. C.

GENTLEMEN: Every farmer and his family on the 3,425 farms in Marion County, Ill., are looking to you to pass the repeal of the daylight-saving law over the President's veto. It works a great disadvantage on the farm and causes millions of dollars loss to the farmers in Illinois every year. There is absolutely no benefit in this daylight-saving law for the farmer. When the farmer makes up the greater part of the population of the United States, we petition you as a farm bureau and I as a county agent to do all in your power to see that this daylight-saving law is repealed.

Yours, very truly,

MARION COUNTY FARM BUREAU,
FRED J. BLACKBURN, County Agent.

Letter from National Grange, with inclosures against the law:

WASHINGTON, D. C., July 14, 1919.

Hon. A. J. GRONNA,

Senate Committee on Agriculture,

Senate Office Building, Washington, D. C.

DEAR SIR: We wish to express our appreciation of your efforts and those of your colleagues in reporting the daylight-saving repeal measure as an amendment to the appropriation bill. In view of the favorable report from the House Committee on Agriculture and later from

Interstate Commerce, and the general turn of public sentiment as evidenced in the recent action at Atlantic City, as well as the continued flood of petitions from farm organizations, it seems as if this amendment might be kept in the appropriation bill and make an end to this situation which is obnoxious to every working farmer.

I am inclosing communications recently received on this subject. If it is of value to have them in the Senate RECORD, we trust you will have this done.

Yours, sincerely,

THE NATIONAL GRANGE,
THOS. C. ATKESON, Representative.

DAYLIGHT-SAVING BILL.

The farmers have been consistent as well as persistent in their fight for the repeal of the daylight-saving bill, which has worked to such a disadvantage to them. Regarding it as a war-time measure, they meekly bore it, but when it was proposed to make it perpetual they began a big fight against it.

The bill repealing it was vetoed by President Wilson recently, and the attempt to pass it over his veto failed on Monday of last week, the vote being 247 to 135. The total necessary to pass it over the veto was 255. The vote showed a large majority in favor of the repeal, but a two-thirds vote was required.

We believe the farmers have the right of it, and it is only perpetuated in the interests of the golfers and sporting element. It is a nuisance to the farmer and seriously interferes with religious work during the summer.

The following 15 arguments against the daylight-saving law are offered by the farmers:

1. Farmers waste time instead of saving.
2. Lose one hour in the morning on account of dew.
3. Hired help want to quit at 6 o'clock.
4. Forced to carry new and old time.
5. Teams and men must work in hottest part of day.
6. Can't change habits of farm animals—come up at usual time.
7. Entertainments scheduled on new time are too early for farmer's family.
8. School children have to start one hour earlier.
9. Stores and shops in country towns close too early for farmer.
10. Small town merchant must work extra hour.
11. Farmers work by sun, not by clock.
12. Must start one hour earlier to catch trains.
13. Cows must be milked one hour earlier where milk is shipped.
14. Chickens won't go to roost until usual time.
15. Increases convenience and efficiency of city folks at farmer's expense.

We trust the farmers may keep up their protests and agitation and never let up on the subject until the change is made.

Letter from Boston, Mass., showing defects of daylight saving:

333 STATE HOUSE,
Boston, Mass., July 24, 1919.

To the Hon. Mr. GRONNA,
Chairman Senate Agricultural Committee,
Washington, D. C.

MY DEAR SIR: May I ask you to kindly pardon the liberty I am taking, but in a few brief remarks I should like to refer to the repeal of the "daylight-saving" law.

From a standpoint of humanity to mothers and children the following-mentioned reasons would seem to favor a repeal:

One has only to walk through the crowded quarters of the north and west ends of our city and see the hundreds of children who suffer, as they do, from living in close and hot tenements. This same condition presumably exists in all of our large cities.

It is 9 o'clock according to this law, but it is 8 o'clock according to the true sun time.

Tired children should be in their beds, that weary mothers may have a few moments to relax before they themselves must retire.

It is still daylight; quiet does not prevail, and children can not sleep. Neither is sleep prolonged for them in the morning, for again at dawn begins the noise and din caused by cars and vehicles in our city streets.

What of these children when grown to men and women. The loss of many hours of sleep, together with a lack of proper nourishment in their childhood, is a serious matter and ought to be given much consideration.

The question of a repeal, as viewed from the standpoint of our domestic animals, namely, the horse and the cow, those faithful creatures on whom we are so dependent, also needs to be considered.

Many are the extra hours which the weary horses of hucksters and junk collectors must work at this season owing to this extended evening daylight.

Let us hesitate to be longer responsible for a cruel injustice deliberately imposed upon the helpless and those who can not speak for themselves.

With a hope eternal that the Members of Congress who are opposed to this repeal may be urged to favor it and thereby bestow a blessing and a benefit upon many of God's creatures.

Again asking you to kindly pardon the liberty I have taken in writing to you,

With much appreciation,
Most respectfully, yours,

(Miss) MARY E. HANNAN.

Letter from Providence, Ky., opposed to daylight saving:

PROVIDENCE, KY., July 22, 1919.

AGRICULTURE COMMITTEE,
Washington, D. C.

SIRS: I send this letter to you not only in my own name but in the name of many others. There are multiplied thousands who never write to a Senator or Congressman or President or a committee in Congress, yet they feel the injustice done them when President Wilson vetoed the repeal of the daylight bill, briefly so called.

Can not something be done to relieve the situation? Can not a law be made, if it is necessary to have a law, that on Monday after the last Sunday in March all manufacturing plants, corporations, or any company employing so many hundred men, in cities or elsewhere, shall begin work one hour earlier and quit one hour in afternoons until Saturday before the last Sunday in October?

Of course, give us back our standard time first. Why is not the same result reached—an hour gained by going to work an hour earlier? As the law now stands, much confusion and dissatisfaction prevail. Thousands of country people do not observe the advanced hour. Men tell me they could have nearly an hour in the cool of the morning under standard time to work their gardens, but can not come out of mines or shops, where they have been for 8 or 10 hours, and go right out in hot sun to work, but must wait till the sun is going down and its cooler. Many get a crowd together after working hours and auto to some park, and many gamble or loaf. It also puts extra work on the housekeeper or wife. In the name of multiplied thousands, keep on until we have our standard time again.

Yours,

C. R. CROWE,
Pastor Methodist Church.

A letter from a business man, of Liverpool, N. Y.:

LIVERPOOL, N. Y., July 31, 1919.

HON. GRONNA,
Washington, D. C.

DEAR SIR: We are pleased to note inclosed clipping from Syracuse daily paper that you are fighting against this miserable, fake daylight, and if it was put to a vote for the people to vote on we will bet \$500 to \$50 that it would be defeated by 250,000. Find what we cut out of a church paper, inclosed.

Trusting you will fight on to victory, we remain,

Respectfully,

LEHNE-MILLER CO.

DAYLIGHT SAVING.

CALDER—FOR.

1. Ninety per cent of the people want daylight saving.
2. Saved 1,500,000 tons coal last year by reducing use of artificial light.
3. Conserved health of people by giving an extra hour for recreation.
4. Reduces cost of living by affording daylight in evenings for cultivation of home gardens.
5. Enables people to get up in daylight and go to bed at dark.

GRONNA—AGAINST.

1. Majority of the people are against daylight saving.
2. Means additional artificial light.
3. Prevents children from going to bed early and getting sufficient sleep.
4. Loses millions of dollars to farmers, who lose an hour a day because unable to start work early in morning.
5. Forces farmers to get up in dark to catch milk trains.

Mr. UNDERWOOD. Mr. President, I shall detain the Senate for only a moment, but I want the RECORD to show my reason for voting in favor of a bill repealing the law.

When it was proposed as a war measure I supported it, because I thought it might be helpful, and I did not see where it would be seriously hurtful as far as war conditions were concerned. When the war was over and the question came before the Senate for its repeal, I voted for its repeal; and I intend to vote for its repeal again. My reason for doing so is not a consideration of the particular interest that has been represented here on one side or the other; but time has been fixed for ages by the movement of the sun, and I assume that it will continue to be fixed for ages to come by the movement of the sun.

As to the question of labor of all kinds adjusting itself to time, that has grown up through centuries. It is not a question of the moment. Workmen go to their bench at a certain hour because communities through generations have adjusted themselves to going to work at that hour. A lawyer goes to his desk at a certain hour because through many generations it has become the custom of lawyers to go to their desks at that hour. It is a plain custom of the people of all branches of society. They respond because sentiment and custom and their own convenience have adjusted themselves to that particular hour. We readjusted that hour for war purposes. We changed the conditions of men, their moments of going to work; but the emergency is past, and I am one of those old-fashioned Democrats who believe that except in emergencies and where questions come clearly and distinctly for the public good of all the people, it is wise to allow the people of the country to pursue the even tenor of their way and stand by the custom that generation after generation has adopted.

Mr. THOMAS. The Senator said that from time immemorial men have measured time by the movement of the sun. Did the Senator mean that?

Mr. UNDERWOOD. I will say from the time we adjusted the clock to the sun.

Mr. THOMAS. That is better.

Mr. UNDERWOOD. The Senator can interpret it in his own way.

That is my only reason, Mr. President, for voting for the repeal of the law. I think the American people have adopted the hour of going to work by custom satisfactory to them, and now that the war is over I do not see any reason why by law we should attempt to change the custom of the people.

Mr. CURTIS. Mr. President, it was my purpose to submit some remarks on the bill. I am in favor of repealing the law. However, I will merely submit a letter written to me by one of my constituents. As it is late, I will simply ask permission to have the letter printed in the RECORD without reading it. It is on the subject under discussion.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SCIENTIFIC TIME VERSUS FAD TIME.

"We have heard a great deal in the newspapers for several years about daylight saving; that by setting the hands of our clocks back one hour we would save one hour of daylight and save one hour in the cost of heat and light in our homes, which would amount to many millions of dollars to the people of the country from April 1 to October 1.

"Those who have been foremost in advocating this fad time and who prevailed upon Congress to pass a law making it the legal time of the country from April 1 to October 1 do not seem to comprehend fully the meaning of the proposition they are advocating, for one day they talk about setting the hand of the clock back an hour and the next day they talk about setting the hand of the clock an hour ahead, as if it made no difference whether the hand of the clock was set back an hour or ahead an hour, whereas it makes a difference of two hours.

"We will try to make the matter so plain that there need be no confusion in the mind of anyone. The whistle of Armour's plant is heard over a large part of the city at 5 o'clock every morning. If the hand of the clock is set back one hour, it will be set at what is now 4 o'clock, but called 5 o'clock, using fad time, requiring everyone who has been awakened by the 5 o'clock whistle and getting up by it to rise an hour earlier, with the hour hand pointing to 5 o'clock, and hearing the whistle as usual.

"If we set the hand of the clock an hour ahead of natural time, we should hear the 5 o'clock whistle at what is now 6 o'clock, and be preparing to get up, and would not require any light and very little heat during the six months' change of time, whereas by the fad time legalized by act of Congress we are obliged to use two hours' lighting on the 1st of April, which gradually decreases until the summer solstice, when not more than half an hour's lighting would be necessary, but which would gradually increase from that date to the 1st of October, when we would be using two hours' lighting again, with perhaps some heat.

"What do we want to save daylight for, when under modern conditions an eight-hour day prevails in nearly every business throughout the country, and during the shortest day of the year, when the sun at the winter solstice in December, the days are not much more than nine hours' long, and it is not necessary for any man to work by artificial light, or by any other light than the light of the sun, except when he works in a shift.

"It is to be regretted that Congress, the law-making power of the country, has allowed itself to be imposed upon by faddists and led to pass a law the syllabus of which, daylight saving, is inaccurate and misleading, whereas if scientific and expert advice had been called before the committee having the matter in charge it could have been correctly advised and given an honest title to the law.

"We all know that when the sun is on the meridian, the highest point in the heavens, it is noon, the middle of the day, and the clock strikes 12; the number of hours back to sunrise is equal to the number of hours to sunset, and that when the sun is at the nadir, the lowest point beneath us, it is midnight, and that the number of hours back to sunset is equal to the number of hours to sunrise, and this is what we call sun time, or natural time. There is sidereal time, with which we need not deal here.

"Who is it really wants fad time? It surely can not be the unskilled worker, for under present conditions he is not likely to work more than nine hours, very nearly the shortest day of the year, and it is not reasonable to suppose that he is anxious to stand the cost of from two hours to half an hour for light and heat during each day of the six months, which he would not have to pay for under the natural system.

"We are not ready to believe that it would be the skilled worker—the mechanic, the machinist, who work in the factories and shops—for they work only eight hours a day, and there is no necessity for them to get up at 4 o'clock, natural time, and use two hours of heat and light, when under the natural system they would not be required to use any heat and light, except heat for cooking.

"The general business man and banker could hardly feel interested in the early rising at 4 o'clock, natural time, for they do not get to their offices and places of business before 8, 9, or 10 o'clock, nor are their places of business open to the public before 8 or 9 o'clock.

"The miners—the coal miners of the country—are opposed to the misnamed daylight-saving law, and have taken collective action to ignore it when it goes into effect April 1, and have

petitioned the railroad companies operating miners' trains to leave one hour late after April 1, which would conform to natural time.

"The farmers of the country are almost as one opposed to this misnamed and misleading daylight-saving law, and have sent a protest to Congress against extending its operation, giving many reasons why its further extension would be injurious to their interests.

"Renewing the question, who is it who really wants the fad time? After a very thorough search we are unable to find anyone who is willing to strictly abide by it who wants it; but we are able to find several classes of people who certainly would not abide by its operation, yet to whom it would be a convenience in lengthening the evening end of the day; we mean the sporting fraternities.

"Golfers and baseball players almost invariably get to their fields and grounds toward the middle of the afternoon and generally play late, as long as the light is good, and who has not repeatedly heard the expression from a golf enthusiast or baseball fan, 'Oh, if we could only have had another hour of daylight to complete the game.'

"Sporting people and amusement people and their patrons, we all know, are not early risers, and we believe that they have too keen a sense of justice to want a law which they are unwilling to abide by; a law that requires the toilers of the country to rise at an unreasonable hour during six months of the year to gratify the whims of a few faddists who would not observe the letter of the law, at a cost, too, of the millions of dollars to the toilers who are expected to observe it.

"The syllabus to the law does violence to nature, for it does not represent the facts, and daylight saving should not be placed as a syllabus over the act of Congress unless the act expresses a truth, unless those who conform to the law really save daylight, which we have shown to be an impossibility.

"There has been no general discussion of the proposition of daylight saving, of the necessity for it, and, if a necessity was found, how it could be accomplished, who it would benefit most, and whether its operation would work a hardship upon any class of our people, and what advice expert scientists who are familiar with propositions relating to the divisions of time would say about the matter.

"Admitting, for argument's sake, that the law, as it stands will benefit any considerable class, which is emphatically denied, without an injury to another considerable class, let us ask, Would it not have been more just to all to have had a full discussion as to the merits of the proposition, and ascertained the wishes of all whom the changes would affect, before having Congress take action upon a proposition which, if enacted into a law, would entail unnecessary cost of millions of dollars upon the toilers of the country?

"There has been some mystery as to who was back of this misnamed daylight-saving proposition, and who was urging Congress to enact it into law, for we have seen no accounts in the newspapers of petitions from the workers and business interests of the country being forwarded to Congress asking its enactment into law.

"We first heard about this misnamed daylight-saving scheme early in the World War in connection with German efficiency, which was dinned into our ears ad nauseum, and as Germany had adopted the daylight-saving plan and set the hands of her clocks back one hour, and was saving millions of dollars by the scheme, and as she had a monopoly on 'efficiency,' the faddists seemed to have been impressed that the world should follow in her steps in daylight saving.

"It is a singular fact that the proponents of the daylight-saving plan do not quote the indorsement of a single expert scientist, whose field of science should make him familiar with every phase of the division of time, in support of the proposition, which of itself should be sufficient to cast suspicion upon it.

"It is admitted by the proponents of the daylight-saving proposition that its purpose is to require everybody to rise an hour earlier every morning for six months, from April 1 to October 1; we therefore propose to point out wherein the enforcement of such a law does violence to the rights and needed rest of men and domestic animals.

"We appeal to all persons who have been brought up on a farm, and who have had much to do in the care and management of domestic animals, particularly horses and cattle, if it is not a fact that a horse gets his main rest and sleep just before daybreak, and that cows and oxen feed the early part of the night, where they have feed, and lie down and rest and chew their cuds the latter part of the night and up to daylight.

"When a boy my father used oxen on the farm as much as horses; there was an abundance of wild grass all around us during the spring and summer that made good grazing; after using the oxen all day plowing, we unyoked the pair and turned them out to graze during the night, putting a bell on one of them, for they usually stayed together.

"My father, who was sometimes wakeful and got up several times during the night, told us the next morning before starting out to hunt up and bring in the oxen, that he had heard the jingle of the bell on the belled one until the latter part of the night, when all became still.

"We started out to look them up and bring them in any time from daylight until the dew was off the grass, and always found them in some secluded spot, lying down chewing their cud, showing that the latter part of the night is the time for rest and recuperation of the bovine species.

"But we have further evidence of this fact. Our cows, whether they grazed during the night on the range or stayed on the premises, waiting for their meal and bran at milking time, could always be seen at daylight lying down resting and chewing their cud, and we take it that anyone who has had the handling and care of domestic animals, particularly horses and cattle, knows that the latter part of the night, extending up to daylight, is the time they have for sleep and rest and the supplying of the nerve centers with nervous energy for the requirements of the coming day.

"We may give another concrete illustration of the necessity that exists for cattle to have sleep and rest the latter part of the night. In 1858, when a boy of 15, I drove an ox team for the Government freight contractors hauling freight from Fort Leavenworth to Forts Kearney and Laramie for the Utah expedition, under Gen. Andrew Sidney Johnston; there were 8 to 10 oxen in a team, and a train was made up of 25 to 30 teams; this teaming was mainly during the summer months, and we herded our stock of nights to let them graze. There were two details, the first up to midnight, and the second from midnight to daylight, when the stock was driven in.

"Now, by 1 and 2 o'clock the animals were generally filled up with grass, and their activities commenced to flag, and in a short time they were lying down to rest, and soon were chewing their cud, and continued in this state of relaxation until they were aroused the next morning and driven into camp.

"Every veteran of the Civil War who belonged to the Cavalry and did much night marching will easily recall that just before daybreak the flagging energy of his horse and inclination to stumble, as if half asleep was noticeable, and as it is generally known that that is the time when the horse gets his sleep and rest, he should not be disturbed, unless an emergency exists for it.

"Kind treatment of our domestic animals should be encouraged everywhere, and that this fact is generally recognized is shown by the enactment in nearly all the States of laws for the prevention of cruelty to animals.

"The lives of men and animals through countless ages have been adjusted to sun time and to daylight conditions, except some species, whose eyes and life-serving functions have been adjusted to night conditions and sleep and rest during the day.

"We have said that the farmers were opposed to the so-called daylight-saving law; let us see why: They rise at daylight, and work and do their chores until the dusk of evening, which they consider affords hours enough for any man to work; and requiring them to rise an hour or so before daylight adds that much time to the cost of heat and light, besides the many inconveniences it entails stumbling around in the dark or carrying a lantern about their barns and stables to wake up and feed their resting stock, and that it also unduly increases their tired feeling when night comes.

"The good farmer, like the good housewife, finds something to do from daylight to dark, and to disturb this adjustment brings an increased burden upon him to satisfy the whims of a few faddists whose useful employment can not be said would add very much to the sum of human happiness.

"There are doubtless a good many farmers who do not keep hired help and who may continue to use natural time; but there are also a good many who will be obliged to adjust themselves to the new time in order to save themselves from losses in the sale and disposal of their products.

"A farmer who sells milk or any products that he ships to any dealer in the city must rise an hour earlier than usual to have his milk or produce at the station to meet the new schedules of the railroads or interurban lines, and is thus placed at a disadvantage, inconvenience, and put to an unnecessary cost in managing his business to meet a change of time, the syllabus of which states an untruth, a change, too, for which there was no demand except from a few faddists.

"WILEY BRITTON."

Mr. POMERENE. Mr. President, I voted for the bill originally and I voted for the repeal of the legislation, and I am going to vote for it now. I will state my principal reason for doing so.

The dividing line between eastern time and central time for years had been at Pittsburgh. The clock was advanced one hour under the daylight-saving law. Later on the line between central time and eastern time was moved westwardly from Pittsburgh to Mansfield, Ohio, a distance of about 200 miles or more. The result is that in the eastern half of Ohio, as well as in the western part of Pennsylvania, it makes a difference of two hours in time, and I see no reason why that condition should prevail any longer.

Mr. LODGE. Mr. President, only a word. I shall vote against the bill. It has been really a very valuable change for the urban and industrial populations of a State like mine, and I have thought that the experiment was a good one.

But, Mr. President, it seems to me that those who oppose it, and who refer, as the Senator from Alabama [Mr. UNDERWOOD] did, to the sun time, forget that a new day has dawned. It was a good old sun in its day. The world liked the sun's time for a long time, but we have outgrown it, as you know. Human nature has changed, and the time has come to go to something better than the sun. The sun occupies very much the position of George Washington. He was an excellent man in his day, but he has been outgrown, and the principles he laid down are no longer to be considered. The time of the sun has become old-fashioned. I think we should cling to it, and I have a strong suspicion that we shall end by clinging to the principles of George Washington.

Mr. PITTMAN. Mr. President, I raised the point of order that this is the same legislation that was defeated on another bill during the present session of Congress. It is true that the legislation which attempted to repeal the law embraced two other sections. Therefore I have no complaint to make with the ruling of the Chair on the point of order. I call the attention of the Senate, nevertheless, to the ground upon which the former legislation was repealed. It was on the ground that they were changing time back to the normal time. This attempts to accomplish exactly the same purpose. The President vetoed the Agricultural appropriation bill for that very reason. If he is consistent he will veto this bill for exactly that reason. He vetoed the Agricultural appropriation bill because it attempted to repeal section 3 of the daylight-saving act. This bill attempts to repeal section 3 of the daylight-saving act, just the same as it was done in the Agricultural appropriation bill.

The purpose of this act is identical with the purpose of the amendment to the Agricultural appropriation bill. The other two sections that were added to the Agricultural appropriation bill have nothing to do with daylight saving. They simply reaffirm or establish astronomical time in five zones of the United States. That was not objectionable to the President, but section 3, which advanced the clock one hour under the former act, was attempted to be repealed on the Agricultural appropriation bill, and that he objected to. As I said, this act is intended to accomplish exactly the same purpose.

I take it that the wishes of Congress have been ascertained on this matter by a veto of the President and the failure of Congress by a two-thirds vote to carry it over the veto. In spite of having that question absolutely settled during the present session of Congress, we are now attempting to accomplish the same thing that has been determined at this session according to the laws of the country.

We all know well enough that you might attempt to reach the same subject in another bill after this bill is vetoed, and in still another bill, by changing it to some extent; but the substance of the act is the same, and there is not a Senator here who does not believe that the President will act in exactly the same manner that he did act, and that the same question will come back to the Senate on overruling or sustaining the veto that arose on the Agricultural appropriation bill.

I wish to place in my remarks, without reading it, the veto message of the President when this same matter came up before.

The message referred to is as follows:

To the House of Representatives:

I take the liberty of returning H. R. 3157, "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920," without my signature.

I realize, of course, the grave inconvenience which may arise from the postponement of this legislation at this time, but feel obliged to withhold my signature because of the clause which provides that "at and after 2 o'clock antemeridian on Sunday, October 26, 1919, next, the act entitled 'An act to save daylight and to provide standard time for the United States,' approved March 19, 1918, be, and the same is hereby, repealed."

I believe that the repeal of the act referred to would be a very grave inconvenience to the country, and I think that I am justified in saying that it would constitute something more than an inconvenience. It would involve a serious economic loss. The act of March 19, 1918, to "save daylight" resulted not only from a careful study of industrial conditions by competent men familiar with the business operations of the country, but also from observation of the happy and beneficial consequences of similar legislation in other countries where legislation of this character has been for some time in operation, and where it has resulted, as the act of March 19, 1918, has resulted in the United States, in substantial economies. That act was intended to place the chief business activities of the country as nearly as might be within the limits of daylight throughout the year. It resulted in very great economies of fuel and in substantial economies of energy, because of the very different effect of work done in the daylight and work done by artificial light. It, moreover, served the daily convenience of the many communities of the country in a way which gave all but universal satisfaction, and the overwhelming testimony of its value which has come to me convinces me that I should not be justified in acquiescing in its repeal.

WOODROW WILSON.

THE WHITE HOUSE,
11 July, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. CUMMINS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the senior Senator from Tennessee [Mr. SHIELDS]. I transfer that pair to the junior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. FALL (when his name was called). I have a general pair with the Senator from Wyoming [Mr. KENDRICK], who is absent, but on this question I am at liberty to vote. I vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], who is not present. I transfer that pair to the Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. JOHNSON of South Dakota (when his name was called). I am paired with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the senior Senator from Texas [Mr. CULBERTSON] and vote "yea."

Mr. PENROSE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], and being informed that he is absent I will refrain from voting.

Mr. GAY (when Mr. RANDELL's name was called). I desire to state that the senior Senator from Louisiana [Mr. RANDELL] is detained on official business.

Mr. MCKELLAR (when Mr. SHIELDS's name was called). I wish to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on important business.

Mr. SIMMONS (when his name was called). I inquire whether the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BECKHAM]. In his absence I transfer that pair to the Senator from Maine [Mr. HALE] and vote "nay." I understand the junior Senator from Maine would also vote "nay."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. POINDEXTER]. Not knowing how he would vote, I transfer my pair to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. THOMAS (when his name was called). I transfer my general pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. UNDERWOOD (when his name was called). I am in favor of the bill, and if I were allowed to vote I would vote "yea." I have a general pair with the junior Senator from Ohio [Mr. HARDING] and, unless I can secure a transfer of my pair, I shall refrain from voting.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. In his absence I transfer my pair to the junior Senator from New Hampshire [Mr. KEYES] and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I note that my pair, the junior Senator from Pennsylvania [Mr. KNOX] has now voted. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. SMITH of South Carolina. I understand that the Senator from South Dakota [Mr. STERLING], with whom I have a pair, would vote as I would. Therefore I will vote. I vote "yea."

Mr. KIRBY. I announce the unavoidable absence of my colleague [Mr. ROBINSON] on official business. He has a general pair with the Senator from Michigan [Mr. TOWNSEND]. I am informed that if my colleague were present he would vote "nay" on this question.

Mr. GERRY. I desire to announce the necessary absence of the Senator from Kentucky [Mr. BECKHAM] and the Senator from Wyoming [Mr. KENDRICK] on official business.

Mr. SIMMONS (after having voted in the affirmative). The Senator from California [Mr. PHELAN] has entered the Chamber and voted, but I am advised that the Senator from Minnesota [Mr. KELLOGG], if present, would vote as I have voted. Therefore I will let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Illinois [Mr. McCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from Michigan [Mr. NEWBERRY] with the Senator from Virginia [Mr. MARTIN];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 41, nays 12, as follows:

YEAS—41.

Bankhead	Harris	Nelson	Smith, Ga.
Brandegee	Harrison	New	Smith, S. C.
Capper	Johnson, S. Dak.	Norris	Spencer
Chamberlain	Jones, N. Mex.	Nugent	Swanson
Cummins	Kenyon	Overman	Trammell
Curtis	King	Poindexter	Wadsworth
Dial	Kirby	Pomerene	Warren
Fall	La Follette	Sheppard	Watson
Fletcher	Lenroot	Sherman	
Gay	McKellar	Simmons	
Gronna	Moses	Smith, Ariz.	

NAYS—12.

Calder	Gerry	Phelan	Sutherland
Colt	Lodge	Phipps	Thomas
Elkins	McNary	Pittman	Walsh, Mass.

NOT VOTING—43.

Ashurst	Hale	McCumber	Shields
Ball	Harding	McLean	Smith, Md.
Beckham	Henderson	Martin	Smoot
Borah	Hitchcock	Myers	Stanley
Culbertson	Johnson, Cal.	Newberry	Sterling
Dillingham	Jones, Wash.	Owen	Townsend
Edge	Kellogg	Page	Underwood
Fernald	Kendrick	Penrose	Walsh, Mont.
France	Keyes	Ransdell	Williams
Frelinghuysen	Knox	Reed	Wolcott
Gore	McCormick	Robinson	

So the bill was passed.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 2, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate August 1, 1919.

UNITED STATES DISTRICT JUDGE.

Samuel H. Sibley, of Union Point, Ga., to be United States district judge, northern district of Georgia. An additional appointment, under provisions of the act approved February 25, 1919 (Public, No. 265).

COLLECTORS OF INTERNAL REVENUE.

Henry T. Graham, of Wilmington, Del., to be collector of internal revenue for the district of Delaware. New office.

William E. Byerly, of Velva, N. Dak., to be collector of internal revenue for the district of North Dakota. New office.

James E. Kennedy, of Essex, Vt., to be collector of internal revenue for the district of Vermont. New office.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captains.

First Lieut. Leslie B. C. Jones, Cavalry (subject to examination required by law), from February 13, 1919.
 First Lieut. Kramer Thomas, Cavalry, from March 22, 1919.
 First Lieut. James R. Finley, Cavalry, from April 4, 1919.
 First Lieut. Willard S. Wadleton, Cavalry, from June 6, 1919.

FIELD ARTILLERY ARM.

To be captains.

First Lieut. Clifford H. Tate, Field Artillery, from February 16, 1919.
 First Lieut. Ottomar O'Donnell, Field Artillery, from March 11, 1919.
 First Lieut. Oliver P. Echols, Field Artillery, from April 19, 1919.
 First Lieut. Clement Ripley, Field Artillery, from April 22, 1919.
 First Lieut. Edward M. Smith, Field Artillery, from June 19, 1919.

COAST ARTILLERY CORPS.

To be captains.

First Lieut. Edward A. Murphy, Coast Artillery Corps (Signal Corps), from June 19, 1919.
 First Lieut. Jep C. Hardigg, Coast Artillery Corps, from June 19, 1919.
 First Lieut. Dale D. Hinman, Coast Artillery Corps, from June 19, 1919.
 First Lieut. George D. Davidson, Coast Artillery Corps, from June 19, 1919.
 First Lieut. Robert E. Turley, jr., Coast Artillery Corps, from June 19, 1919.
 First Lieut. Richard B. Webb, Coast Artillery Corps, from June 19, 1919.
 First Lieut. Moses Goodman, Coast Artillery Corps, from June 19, 1919.
 First Lieut. Kenneth S. Purdie, Coast Artillery Corps, from June 19, 1919.
 First Lieut. Robert E. Phillips, Coast Artillery Corps, from July 11, 1919.

APPOINTMENT IN THE NAVY.

Rear Admiral Thomas Washington to be Chief of the Bureau of Navigation, in the Department of the Navy, with the rank of rear admiral, for a term of four years.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 1, 1919.

ASSISTANT DIRECTOR OF THE CENSUS.

William M. Steuart to be Assistant Director of the Census.

COLLECTORS OF INTERNAL REVENUE.

Lewis Williams to be collector of internal revenue for the district of Idaho.
 George L. Donald to be collector of internal revenue for the district of Mississippi.

POSTMASTERS.

CONNECTICUT.

John W. Cook, Beacon Falls.
 J. P. Callahan, Branford.
 Edward R. Wooster, Bridgewater.
 Frank La Favre, Central Village.
 Everett I. Pardee, Cheshire.
 Willys R. Monroe, Coscob.
 Thomas H. Collins, Farmington.
 David A. Wilson, Hartford.
 Thomas F. Ryan, Litchfield.
 Frederick H. Wall, Manchester.
 John F. Penders, Meriden.
 George H. Foley, Mystic.
 John Mulville, Norfolk.
 Michael J. Howard, Norwalk.
 Walter H. Bishop, North Haven.
 Timothy J. Kelly, Oakville.
 Emery W. Doolittle, Plantsville.
 Alexander Gilman, Putnam.
 William P. Stone, Salisbury.
 John J. Moran, Southington.
 William A. Russell, Southport.
 Joseph F. Leahy, Stonington.
 Daniel P. Hurley, Terryville.
 William L. Hanley, Thomaston.

Thomas S. Rourke, Unionville.
 William C. Saunders, Waterford.
 Edward L. Reidy, Winsted.

MAINE.

Austin W. Keating, Belfast.
 Linza A. Burns, Clinton.
 Fred A. Pitts, Damariscotta.
 Samuel G. Wing, Fairfield.
 Harry B. Brown, Farmington.
 John W. Hutchins, Fryeburg.
 George D. Vose, Kingsfield.
 Stanley Renier, Madison.
 Alvin E. Dresser, Millbridge.
 Edith G. Stuart, National Soldiers Home.
 Dwight P. Macartney, Oakland.
 James W. Sewall, Oldtown.
 Ferdinand H. Parady, Orono.
 John P. Coughlin, Saco.
 Alice C. Haveney, Searsport.
 Joseph A. Kenney, South Paris.
 Rufus L. Mudgett, Stockton Springs.
 Elmer E. Crockett, Stonington.
 Frank B. Hills, Thomaston.
 Louis P. Gagnon, Van Buren.
 Mary P. Ross, Vanceboro.
 Allen H. Stinchfield, Wayne.

NEW HAMPSHIRE.

Henry A. Browne, Farmington.
 Otis F. Sumner, Goffstown.
 Jesse C. Parker, Hillsboro.
 William H. Drew, Intervale.
 Harriet O. Harriman, Jackson.
 Charles L. Bemis, Marlboro.
 Nellie A. Card, New Castle.
 Andrew D. Davis, North Conway.
 Enoch F. Stevens, Raymond.
 John N. Grimes, Troy.

SOUTH CAROLINA.

Andrew P. Burgess, Summerton.
 John W. Geraty, Yoncos Island.
 Loka W. Rigby, Moncks Corner.
 Charles R. Calhoun, Greenwood.
 Stella R. Nelson, Ridgeway.
 M. Zella D. Abercrombie, McCormick.
 Josephine B. Pelzer, Pelzer.
 Estella S. Herndon, Eutawville.

HOUSE OF REPRESENTATIVES.

FRIDAY, August 1, 1919.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, confronted with a feeling of unrest throughout the world, which has reached the people of our own beloved country, we pray that the authorities in this Capital City, in all branches of our Republic may strive earnestly to adjust every difficulty in accordance with the traditions and genius of our Nation.

With the largest crops in the history of our country, prices are beyond reason and common sense and the people look for speedy relief; and we pray most fervently that a league of nations, not the league before the Senate and the people of the United States, but a peace league founded upon the highest moral conceptions and religious truths, may spring spontaneously from the hearts of all peoples of all the world; that war may be assigned to the limbo of the past, where it belongs. In God's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PROTECTION OF COASTWISE TRADE.

Mr. SNELL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York offers a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 216.

Resolved, That immediately upon the adoption of this resolution it shall be in order for the House to consider H. R. 7500, a bill "To protect the coastwise trade of the United States, and for other purposes." That debate on said bill shall be limited to 1 hour and 30 minutes.